

interest at a fair market rate; 1018

(31) A provision requiring that, if the governing 1019
authority contracts with an attorney, accountant, or entity 1020
specializing in audits, the attorney, accountant, or entity 1021
shall be independent from the operator with which the school has 1022
contracted. 1023

(B) The community school shall also submit to the sponsor 1024
a comprehensive plan for the school. The plan shall specify the 1025
following: 1026

(1) The process by which the governing authority of the 1027
school will be selected in the future; 1028

(2) The management and administration of the school; 1029

(3) If the community school is a currently existing public 1030
school or educational service center building, alternative 1031
arrangements for current public school students who choose not 1032
to attend the converted school and for teachers who choose not 1033
to teach in the school or building after conversion; 1034

(4) The instructional program and educational philosophy 1035
of the school; 1036

(5) Internal financial controls. 1037

When submitting the plan under this division, the school 1038
shall also submit copies of all policies and procedures 1039
regarding internal financial controls adopted by the governing 1040
authority of the school. 1041

(C) A contract entered into under section 3314.02 of the 1042
Revised Code between a sponsor and the governing authority of a 1043
community school may provide for the community school governing 1044
authority to make payments to the sponsor, which is hereby 1045

authorized to receive such payments as set forth in the contract 1046
between the governing authority and the sponsor. The total 1047
amount of such payments for monitoring, oversight, and technical 1048
assistance of the school shall not exceed three per cent of the 1049
total amount of payments for operating expenses that the school 1050
receives from the state. 1051

(D) The contract shall specify the duties of the sponsor 1052
which shall be in accordance with the written agreement entered 1053
into with the department of education under division (B) of 1054
section 3314.015 of the Revised Code and shall include the 1055
following: 1056

(1) Monitor the community school's compliance with all 1057
laws applicable to the school and with the terms of the 1058
contract; 1059

(2) Monitor and evaluate the academic and fiscal 1060
performance and the organization and operation of the community 1061
school on at least an annual basis; 1062

(3) Report on an annual basis the results of the 1063
evaluation conducted under division (D) (2) of this section to 1064
the department of education and to the parents of students 1065
enrolled in the community school; 1066

(4) Provide technical assistance to the community school 1067
in complying with laws applicable to the school and terms of the 1068
contract; 1069

(5) Take steps to intervene in the school's operation to 1070
correct problems in the school's overall performance, declare 1071
the school to be on probationary status pursuant to section 1072
3314.073 of the Revised Code, suspend the operation of the 1073
school pursuant to section 3314.072 of the Revised Code, or 1074

terminate the contract of the school pursuant to section 3314.07 1075
of the Revised Code as determined necessary by the sponsor; 1076

(6) Have in place a plan of action to be undertaken in the 1077
event the community school experiences financial difficulties or 1078
closes prior to the end of a school year. 1079

(E) Upon the expiration of a contract entered into under 1080
this section, the sponsor of a community school may, with the 1081
approval of the governing authority of the school, renew that 1082
contract for a period of time determined by the sponsor, but not 1083
ending earlier than the end of any school year, if the sponsor 1084
finds that the school's compliance with applicable laws and 1085
terms of the contract and the school's progress in meeting the 1086
academic goals prescribed in the contract have been 1087
satisfactory. Any contract that is renewed under this division 1088
remains subject to the provisions of sections 3314.07, 3314.072, 1089
and 3314.073 of the Revised Code. 1090

(F) If a community school fails to open for operation 1091
within one year after the contract entered into under this 1092
section is adopted pursuant to division (D) of section 3314.02 1093
of the Revised Code or permanently closes prior to the 1094
expiration of the contract, the contract shall be void and the 1095
school shall not enter into a contract with any other sponsor. A 1096
school shall not be considered permanently closed because the 1097
operations of the school have been suspended pursuant to section 1098
3314.072 of the Revised Code. 1099

Sec. 3326.11. Each science, technology, engineering, and 1100
mathematics school established under this chapter and its 1101
governing body shall comply with sections 9.90, 9.91, 109.65, 1102
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1103
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 1104

3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 1105
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 1106
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 1107
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 1108
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 1109
3313.667, 3313.668, 3313.669, 3313.67, 3313.671, 3313.672, 1110
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 1111
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 1112
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 1113
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 1114
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 1115
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 1116
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 1117
4112., 4123., 4141., and 4167. of the Revised Code as if it were 1118
a school district. 1119

Sec. 3345.19. (A) Each state institution of higher 1120
education shall adopt a policy, including rules, regarding 1121
harassment, intimidation, or bullying and hazing. The policy 1122
shall include penalties for harassment, intimidation, or 1123
bullying and hazing, including sanctions, fines, the withholding 1124
of a diploma or transcript, probation, suspension, and 1125
expulsion. 1126

(B) As used in this section: 1127

(1) "Harassment, intimidation, or bullying" means any 1128
intentional written, verbal, electronic, or physical act that a 1129
student has exhibited toward another particular student or an 1130
administrator, employee, faculty member, consultant, or 1131
volunteer of the institution more than once and the behavior 1132
both: 1133

(a) Causes mental or physical harm to the other student or 1134

the administrator, employee, faculty member, consultant, or 1135
volunteer; 1136

(b) Is sufficiently severe, persistent, or pervasive that 1137
it creates an intimidating, threatening, or abusive educational 1138
environment for the other student or the administrator, 1139
employee, faculty member, consultant, or volunteer. 1140

(2) "Hazing" has the same meaning as in section 2903.31 of 1141
the Revised Code. 1142

(3) "State institution of higher education" has the same 1143
meaning as in section 3345.011 of the Revised Code. 1144

Section 2. That existing sections 2903.31, 3313.66, 1145
3313.661, 3313.666, 3314.03, and 3326.11 of the Revised Code are 1146
hereby repealed. 1147

Section 3. This act shall be known as the "Ohio Anti- 1148
Bullying and Hazing Act." 1149

From: Rossman, Brent
Sent: Friday, September 15, 2017 6:04 PM
To: Sarko, Alyssa
Subject: RE: Letter of Resignation from Brent Rossman

Thanks Alyssa!

Brent Rossman

Legislative Aide
Representative Wes Goodman
Ohio House of Representatives
District 87

Brent.Rossman@ohiohouse.gov
Office: 614.644.6265
Cell: 419.561.0073

From: Sarko, Alyssa
Sent: Friday, September 15, 2017 2:31 PM
To: Rossman, Brent
Subject: RE: Letter of Resignation from Brent Rossman

Congratulations & good luck, Brent!

Alyssa Sarko

Director of the Speaker's Office
Office of Speaker Clifford A. Rosenberger
77 S. High St., 14th Floor | Columbus, OH 43215
Alyssa.sarko@ohiohouse.gov | 614.466.0536

From: Rossman, Brent
Sent: Thursday, September 14, 2017 5:01 PM
To: Sarko, Alyssa <Alyssa.Sarko@ohiohouse.gov>
Subject: Letter of Resignation from Brent Rossman

Good afternoon Alyssa,

Please find attached my letter of resignation. I will be leaving to take employment with the Ashbrook Center at Ashland University.

Let me know if you'd like a paper copy of the letter. I have already been working with Craig and Representative Goodman on the transition.

Thank you,

Brent Rossman

Legislative Aide
Representative Wes Goodman
Ohio House of Representatives
District 87

Brent.Rossman@ohiohouse.gov

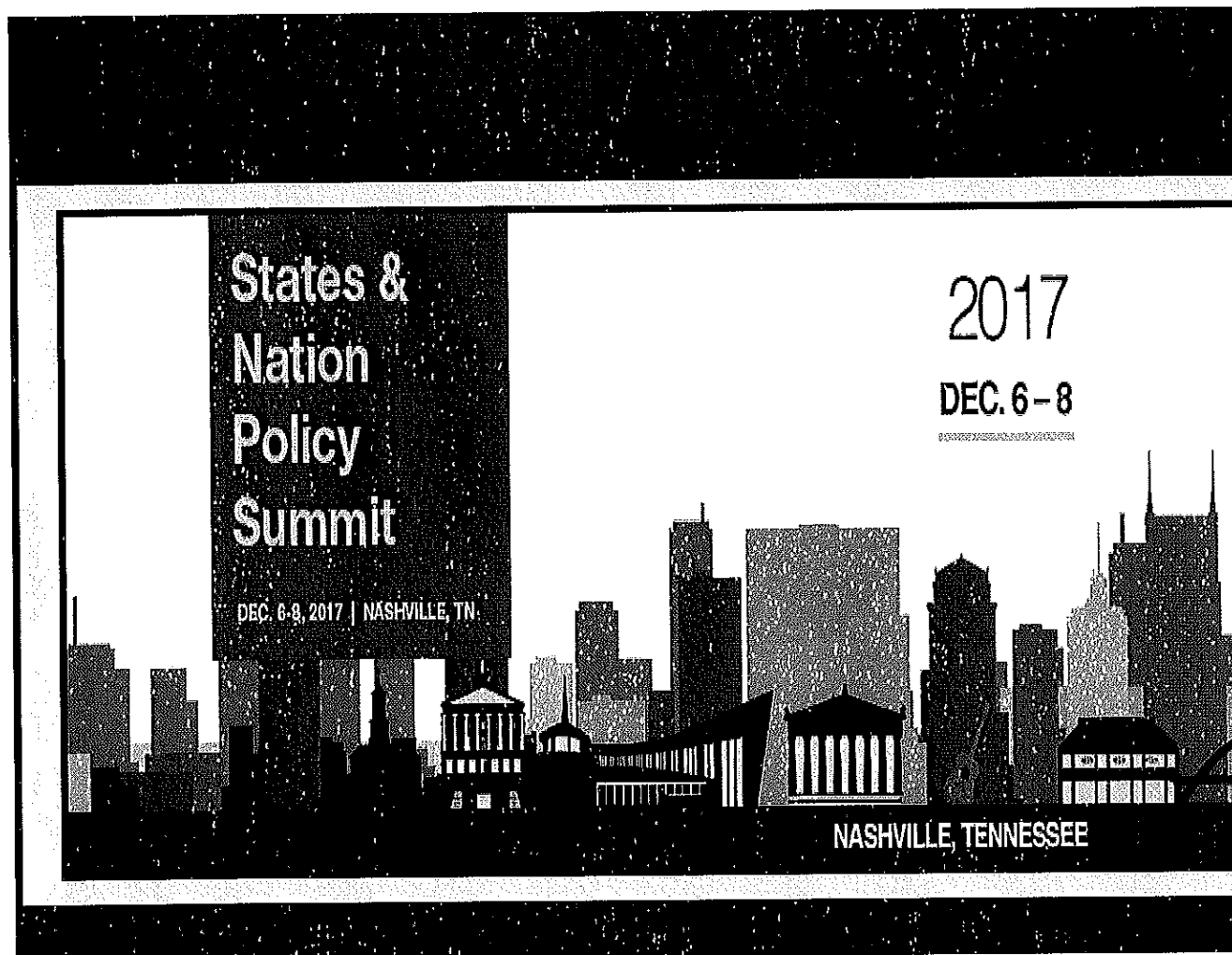
Office: 614.644.6265

Cell: 419.561.0073

From: Courtney Cook
Sent: Saturday, September 16, 2017 10:43 AM
To: Rep91
Subject: ALEC - Be the first to hear!

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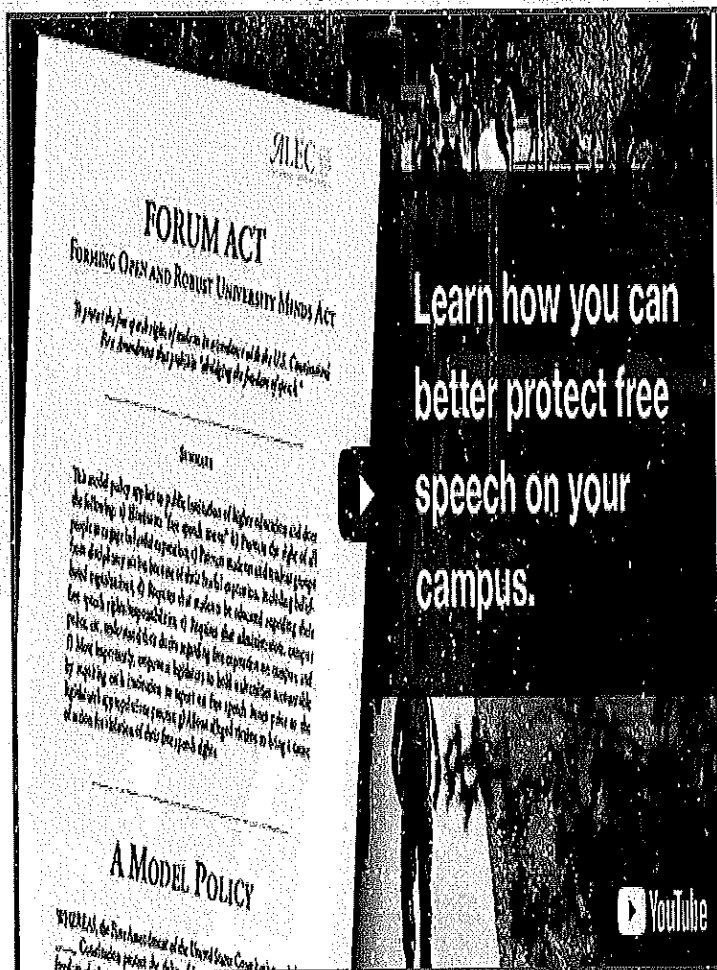


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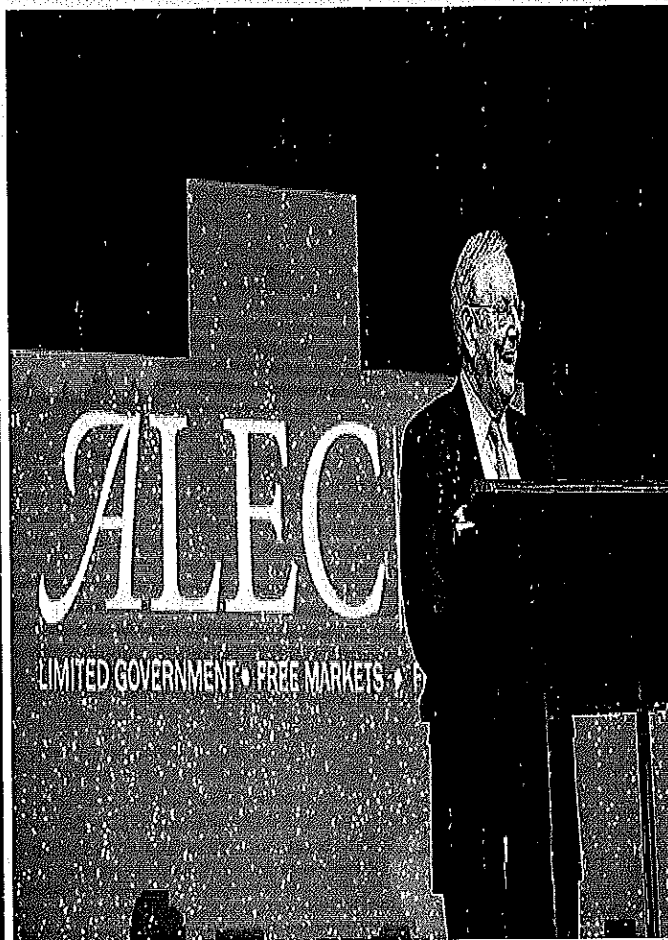
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Secretary Tom Price

Administrator Scott Pruitt

A panel presentation from Mr. Steve Forbes, Mr. Steve Moore, Dr. Art Laffer and Mr. Larry Kudlow

Agenda at a Glance

Visit the online agenda for more information!

Tuesday

- Registration
- Exhibitor Set-up

Wednesday

- Registration
- Exhibit Hall
- Subcommittee Meetings
- Legislative Staff Fellowship
- Training
- **Opening Lunch**
- Workshops
- Chair's Reception
- Welcome Reception

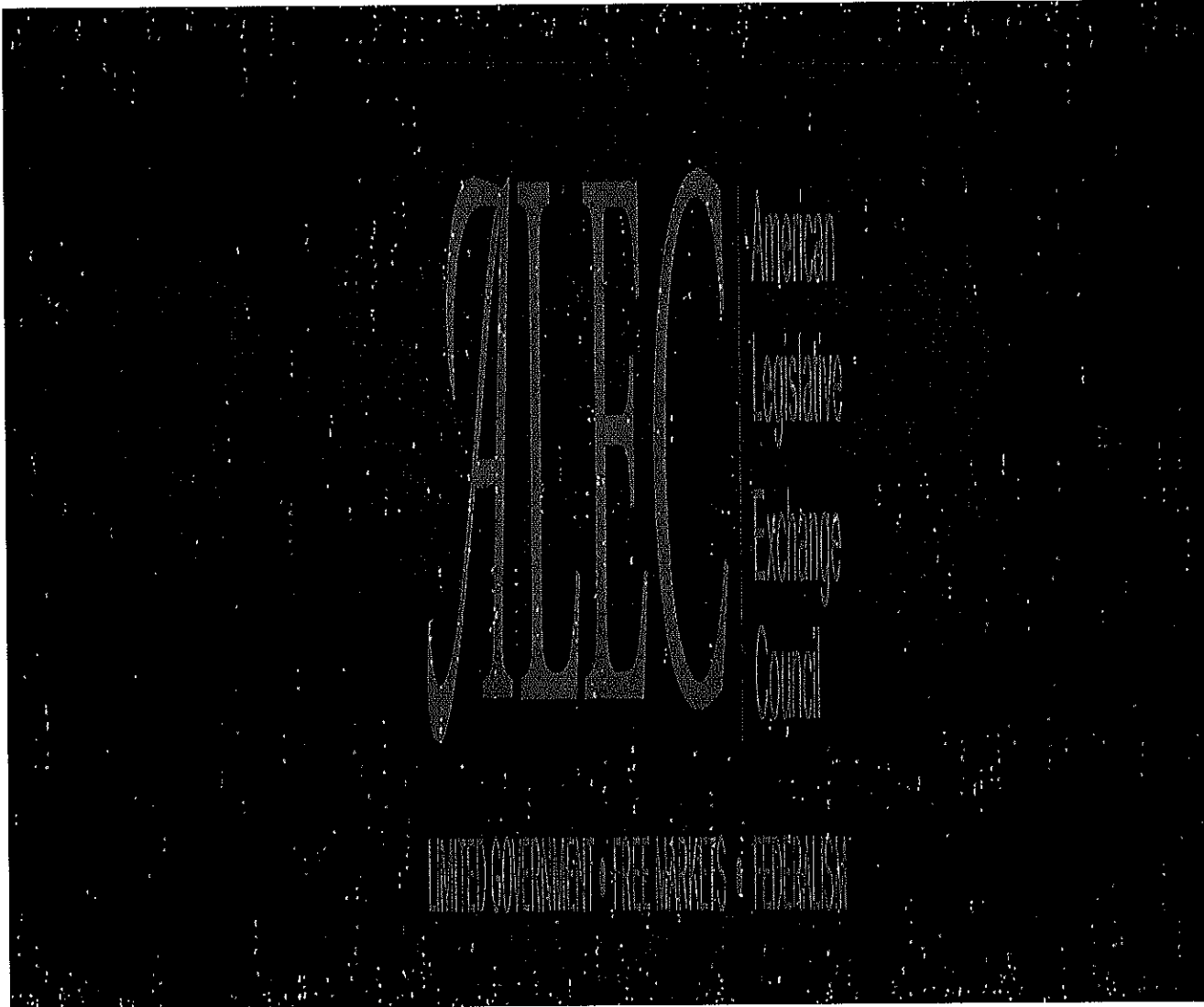
Thursday

- Registration
- **Breakfast**
- Exhibit Hall
- Training
- Legislative Staff Fellowship
- Workshops
- **Lunch**
- Task Force Meetings
- Task Force Receptions
- Jefferson Awards Reception and Dinner (**Invitation Only**)

Friday

- Registration
- **Breakfast**
- Exhibit Hall
- Training
- Legislative Staff Fellowship
- Workshops
- **Lunch**
- Task Force Meetings
- Task Force Receptions
- State Night (**Contact your State Chair for more Information**)





This message was sent to rep91@ohiohouse.gov from CCook@alec.org

Courtney Cook
ALEC
2900 Crystal Drive, 6th Floor
Arlington, VA 22202

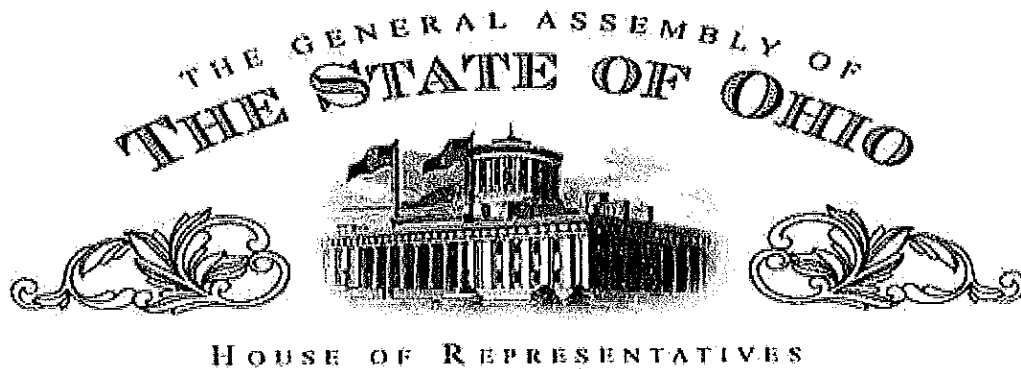
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From: White, Bill
Sent: Tuesday, September 19, 2017 2:16 PM
To: Greenspan, Dave
CC: Rep16
Subject: REMINDER: Co-Sponsor Request: The Ohio Anti-Bullying and Hazing Act
Attachments: l_132_1347-2.pdf; Language Incorporated from other States.pdf

Importance: High

REMINDER



MEMORANDUM

To: All House Members

From: State Representative Dave Greenspan

Date: Tuesday, September 19, 2017

RE: Co-Sponsor Request: The Ohio Anti-Bullying and Hazing Act

I plan on introducing legislation that seeks to address growing incidents of bullying and hazing in the State of Ohio's communities, schools, and institutions of higher education. This legislation will synchronize the Ohio Revised Code with most modern, effective, and innovative provisions currently enacted throughout all 50 states. By combining the best policy of other states into our own law, *The Ohio Anti-Bullying and Hazing Act* is the most comprehensive piece of legislation offered on a state level to address the problem of bullying and hazing statewide.

The Ohio Anti-Bullying and Hazing Act revises and amends the O.R.C. by focusing on the two main environments where bullying and hazing are most pervasive in Ohio today:

BILL HIGHLIGHTS:

Hazing:

1. Expands the times in which an act shall be considered hazing beyond “initiation” to include during membership or any acts of affiliation with an organization.
2. Expands those to whom recklessly permit hazing to “consultants, alumni, or volunteers”.
3. Penalty – expands those who are guilty of hazing from a forth degree misdemeanor to a second degree misdemeanor, and “if the hazing creates a substantial risk of causing death of any person, hazing is a felony of the third degree.”

Bullying:

1. The Bill provides guidelines for the Bully:
 - a. Discipline – mandatory suspension/expulsion (1st offence in a calendar year – up to 10 days, 2nd offence in a calendar year up to 182 days)
 - i. During the suspension/expulsion the Bully shall participate in a Community Service Plan.
 - b. Counseling – during the period of suspension/expulsion the Bully shall attend mandatory counselling – provided by the school district
 - c. Academics – during the period of suspension/expulsion the Bully shall maintain his/her academic requirements and the district may make accommodations, including tutoring and academic support.
 - d. Extracurricular Activities – during the period of suspension/expulsion the Bully is prohibited from participation.
 - e. Re-instatement – In order for the Bully to be reinstated at the conclusion of the suspension/expulsion the above must be completed.
2. The Bill provides guidelines for the victim:

- a. Counseling – the victim shall be offered, but is not required to participate in counseling
 - b. Academics – the victim shall be offered, but is not required to participate in tutoring or academic support
3. Notification of Bullying – for each incident of Bullying, the district shall notify the custodial parent or guardian of the incident and the district shall the maintain the appropriate records.
4. Each school district shall post their “Anti-Bullying Policy” on the districts website.

General:

1. Adjoins the definitions of Hazing with Bullying
2. Retaliation – requires a discipline procedure shall be created for any act of retaliation
3. Cyber Bullying is included in the Bill

The Ohio Anti-Bullying and Hazing Act appropriately punishes the perpetrator of bullying and hazing while providing the rehabilitation needed to prevent future incidents. To effectively combat bullying and hazing in Ohio’s neighborhoods, we need to empower communities to work together with key stakeholders. By crafting a strong nexus of cooperation between our local K – 12 schools, superintendents, municipal courts, social organizations, higher education, and counselors we are making positive strides to provide a harassment-free environment for the future generation of Ohioans.

For your consideration, ***please review the attached LSC Draft of this proposed legislation.*** If you are interested in co-sponsoring this piece of legislation please do not hesitate to reach out to Bill White in my office at any point at bill.white@ohiohouse.gov or at 614-466-0961 before **Thursday, September 21st at 12:00pm.**

Respectfully,
Bill

William P. White | Legislative Aide
The Ohio House of Representatives
Office of State Representative Dave Greenspan
Office: (614)-466-0961 | Cell: (440)-596-7375

A.M.D.G

Bill.White@ohiohouse.gov

<http://www.ohiohouse.gov/dave-greenspan>



I_132_1347-2

132nd General Assembly
Regular Session
2017-2018

. B. No.

A BILL

To amend sections 2903.31, 3313.66, 3313.661,
3313.666, 3314.03, and 3326.11 and to enact
sections 3313.669 and 3345.19 of the Revised
Code to enact the "Ohio Anti-Bullying and Hazing
Act" with regard to school discipline and
bullying and hazing policies at public schools
and public colleges.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2903.31, 3313.66, 3313.661,
3313.666, 3314.03, and 3326.11 be amended and sections 3313.669
and 3345.19 of the Revised Code be enacted to read as follows:

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Sec. 2903.31. (A) As used in this section, "hazing" means
doing any act or coercing another, including the victim, to do
any act of initiation into any student or other organization or
any act to affirm, continue, or reinstate membership in or
affiliation with any student or other organization that causes
or creates a substantial risk of causing mental or physical harm
to any person.

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lvqgaoatscotslfmhct38g

(B) (1) No person shall recklessly participate in the 18
hazing of another. 19

(2) No administrator, employee, ~~or~~ faculty member, 20
consultant, alumnus, or volunteer of any organization, including 21
any primary, secondary, or post-secondary school or of any other 22
educational institution, public or private, shall recklessly 23
permit the hazing of any person. 24

(C) Whoever violates this section is guilty of hazing, a 25
misdemeanor of the ~~fourth~~ second degree. If the hazing creates a 26
substantial risk of causing the death of any person, hazing is a 27
felony of the third degree. 28

Sec. 3313.66. (A) Except as provided under division (B) (2) 29
of this section and section 3313.669 of the Revised Code, and 30
subject to section 3313.668 of the Revised Code, the 31
superintendent of schools of a city, exempted village, or local 32
school district, or the principal of a public school may suspend 33
a pupil from school for not more than ten school days. The board 34
of education of a city, exempted village, or local school 35
district may adopt a policy granting assistant principals and 36
other administrators the authority to suspend a pupil from 37
school for a period of time as specified in the policy of the 38
board of education, not to exceed ten school days. If at the 39
time an out-of-school suspension is imposed there are fewer than 40
ten school days remaining in the school year in which the 41
incident that gives rise to the suspension takes place, the 42
superintendent shall not apply any remaining part of the period 43
of the suspension to the following school year. The 44
superintendent may instead require the pupil to participate in a 45
community service program or another alternative consequence for 46
a number of hours equal to the remaining part of the period of 47

the suspension. The pupil shall be required to begin the pupil's
community service or alternative consequence during the first
full week day of summer break. Each school district, in its
discretion, may develop an appropriate list of alternative
consequences. In the event that a pupil fails to complete
community service or the assigned alternative consequence, the
school district may determine the next course of action, which
shall not include requiring the pupil to serve the remaining
time of the out-of-school suspension at the beginning of the
following school year.

Except in the case of a pupil given an in-school
suspension, no pupil shall be suspended unless prior to the
suspension the superintendent or principal does both of the
following:

(1) Gives the pupil written notice of the intention to
suspend the pupil and the reasons for the intended suspension
and, if the proposed suspension is based on a violation listed
in division (A) of section 3313.662 of the Revised Code and if
the pupil is sixteen years of age or older, includes in the
notice a statement that the superintendent may seek to
permanently exclude the pupil if the pupil is convicted of or
adjudicated a delinquent child for that violation;

(2) Provides the pupil an opportunity to appear at an
informal hearing before the principal, assistant principal,
superintendent, or superintendent's designee and challenge the
reason for the intended suspension or otherwise to explain the
pupil's actions.

If a pupil is suspended pursuant to division (A) of this
section, the school district board may, in its discretion,
permit the pupil to complete any classroom assignments missed

because of the suspension.

(B) (1) Except as provided under division (B) (2), (3), ~~or~~
(4), or (5) of this section and section 3313.669 of the Revised
Code, and subject to section 3313.668 of the Revised Code, the
superintendent of schools of a city, exempted village, or local
school district may expel a pupil from school for a period not
to exceed the greater of eighty school days or the number of
school days remaining in the semester or term in which the
incident that gives rise to the expulsion takes place, unless
the expulsion is extended pursuant to division (F) of this
section. If at the time an expulsion is imposed there are fewer
than eighty school days remaining in the school year in which
the incident that gives rise to the expulsion takes place, the
superintendent may apply any remaining part or all of the period
of the expulsion to the following school year.

(2) (a) Unless a pupil is permanently excluded pursuant to
section 3313.662 of the Revised Code, the superintendent of
schools of a city, exempted village, or local school district
shall expel a pupil from school for a period of one year for
bringing a firearm to a school operated by the board of
education of the district or onto any other property owned or
controlled by the board, except that the superintendent may
reduce this requirement on a case-by-case basis in accordance
with the policy adopted by the board under section 3313.661 of
the Revised Code.

(b) The superintendent of schools of a city, exempted
village, or local school district may expel a pupil from school
for a period of one year for bringing a firearm to an
interscholastic competition, an extracurricular event, or any
other school program or activity that is not located in a school

or on property that is owned or controlled by the district. The 108
superintendent may reduce this disciplinary action on a case-by- 109
case basis in accordance with the policy adopted by the board 110
under section 3313.661 of the Revised Code. 111

(c) Any expulsion pursuant to division (B) (2) of this 112
section shall extend, as necessary, into the school year 113
following the school year in which the incident that gives rise 114
to the expulsion takes place. As used in this division, 115
"firearm" has the same meaning as provided pursuant to the "Gun- 116
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 117

(3) The board of education of a city, exempted village, or 118
local school district may adopt a resolution authorizing the 119
superintendent of schools to expel a pupil from school for a 120
period not to exceed one year for bringing a knife to a school 121
operated by the board, onto any other property owned or 122
controlled by the board, or to an interscholastic competition, 123
an extracurricular event, or any other program or activity 124
sponsored by the school district or in which the district is a 125
participant, or for possessing a firearm or knife at a school, 126
on any other property owned or controlled by the board, or at an 127
interscholastic competition, an extracurricular event, or any 128
other school program or activity, which firearm or knife was 129
initially brought onto school board property by another person. 130
The resolution may authorize the superintendent to extend such 131
an expulsion, as necessary, into the school year following the 132
school year in which the incident that gives rise to the 133
expulsion takes place. 134

(4) The board of education of a city, exempted village, or 135
local school district may adopt a resolution establishing a 136
policy under section 3313.661 of the Revised Code that 137

authorizes the superintendent of schools to expel a pupil from 138
school for a period not to exceed one year for committing an act 139
that is a criminal offense when committed by an adult and that 140
results in serious physical harm to persons as defined in 141
division (A) (5) of section 2901.01 of the Revised Code or 142
serious physical harm to property as defined in division (A) (6) 143
of section 2901.01 of the Revised Code while the pupil is at 144
school, on any other property owned or controlled by the board, 145
or at an interscholastic competition, an extracurricular event, 146
or any other school program or activity. Any expulsion under 147
this division shall extend, as necessary, into the school year 148
following the school year in which the incident that gives rise 149
to the expulsion takes place. 150

(5) The board of education of any city, exempted village, 151
or local school district may adopt a resolution establishing a 152
policy under section 3313.661 of the Revised Code that 153
authorizes the superintendent of schools to expel a pupil from 154
school for a period not to exceed one year for making a bomb 155
threat to a school building or to any premises at which a school 156
activity is occurring at the time of the threat. Any expulsion 157
under this division shall extend, as necessary, into the school 158
year following the school year in which the incident that gives 159
rise to the expulsion takes place. 160

(6) No pupil shall be expelled under division (B) (1), (2), 161
(3), (4), or (5) of this section unless, prior to the pupil's 162
expulsion, the superintendent does both of the following: 163

(a) Gives the pupil and the pupil's parent, guardian, or 164
custodian written notice of the intention to expel the pupil; 165

(b) Provides the pupil and the pupil's parent, guardian, 166
custodian, or representative an opportunity to appear in person 167

before the superintendent or the superintendent's designee to 168
challenge the reasons for the intended expulsion or otherwise to 169
explain the pupil's actions. 170

The notice required in this division shall include the 171
reasons for the intended expulsion, notification of the 172
opportunity of the pupil and the pupil's parent, guardian, 173
custodian, or representative to appear before the superintendent 174
or the superintendent's designee to challenge the reasons for 175
the intended expulsion or otherwise to explain the pupil's 176
action, and notification of the time and place to appear. The 177
time to appear shall not be earlier than three nor later than 178
five school days after the notice is given, unless the 179
superintendent grants an extension of time at the request of the 180
pupil or the pupil's parent, guardian, custodian, or 181
representative. If an extension is granted after giving the 182
original notice, the superintendent shall notify the pupil and 183
the pupil's parent, guardian, custodian, or representative of 184
the new time and place to appear. If the proposed expulsion is 185
based on a violation listed in division (A) of section 3313.662 186
of the Revised Code and if the pupil is sixteen years of age or 187
older, the notice shall include a statement that the 188
superintendent may seek to permanently exclude the pupil if the 189
pupil is convicted of or adjudicated a delinquent child for that 190
violation. 191

(7) A superintendent of schools of a city, exempted 192
village, or local school district shall initiate expulsion 193
proceedings pursuant to this section with respect to any pupil 194
who has committed an act warranting expulsion under the 195
district's policy regarding expulsion even if the pupil has 196
withdrawn from school for any reason after the incident that 197
gives rise to the hearing but prior to the hearing or decision 198

to impose the expulsion. If, following the hearing, the pupil
would have been expelled for a period of time had the pupil
still been enrolled in the school, the expulsion shall be
imposed for the same length of time as on a pupil who has not
withdrawn from the school.

(C) If a pupil's presence poses a continuing danger to
persons or property or an ongoing threat of disrupting the
academic process taking place either within a classroom or
elsewhere on the school premises, the superintendent or a
principal or assistant principal may remove a pupil from
curricular activities or from the school premises, and a teacher
may remove a pupil from curricular activities under the
teacher's supervision, without the notice and hearing
requirements of division (A) or (B) of this section. As soon as
practicable after making such a removal, the teacher shall
submit in writing to the principal the reasons for such removal.

If a pupil is removed under this division from a
curricular activity or from the school premises, written notice
of the hearing and of the reason for the removal shall be given
to the pupil as soon as practicable prior to the hearing, which
shall be held within three school days from the time the initial
removal is ordered. The hearing shall be held in accordance with
division (A) of this section unless it is probable that the
pupil may be subject to expulsion, in which case a hearing in
accordance with division (B) of this section shall be held,
except that the hearing shall be held within three school days
of the initial removal. The individual who ordered, caused, or
requested the removal to be made shall be present at the
hearing.

If the superintendent or the principal reinstates a pupil

in a curricular activity under the teacher's supervision prior 229
to the hearing following a removal under this division, the 230
teacher, upon request, shall be given in writing the reasons for 231
such reinstatement. 232

(D) The superintendent or principal, within one school day 233
after the time of a pupil's expulsion or suspension, shall 234
notify in writing the parent, guardian, or custodian of the 235
pupil and the treasurer of the board of education of the 236
expulsion or suspension. The notice shall include the reasons 237
for the expulsion or suspension, notification of the right of 238
the pupil or the pupil's parent, guardian, or custodian to 239
appeal the expulsion or suspension to the board of education or 240
to its designee, to be represented in all appeal proceedings, to 241
be granted a hearing before the board or its designee in order 242
to be heard against the suspension or expulsion, and to request 243
that the hearing be held in executive session, notification that 244
the expulsion may be subject to extension pursuant to division 245
(F) of this section if the pupil is sixteen years of age or 246
older, and notification that the superintendent may seek the 247
pupil's permanent exclusion if the suspension or expulsion was 248
based on a violation listed in division (A) of section 3313.662 249
of the Revised Code that was committed when the child was 250
sixteen years of age or older and if the pupil is convicted of 251
or adjudicated a delinquent child for that violation. 252

In accordance with the policy adopted by the board of 253
education under section 3313.661 of the Revised Code, the notice 254
provided under this division shall specify the manner and date 255
by which the pupil or the pupil's parent, guardian, or custodian 256
shall notify the board of the pupil's, parent's, guardian's, or 257
custodian's intent to appeal the expulsion or suspension to the 258
board or its designee. 259

Any superintendent expelling a pupil under this section 260
for more than twenty school days or for any period of time if 261
the expulsion will extend into the following semester or school 262
year shall, in the notice required under this division, provide 263
the pupil and the pupil's parent, guardian, or custodian with 264
information about services or programs offered by public and 265
private agencies that work toward improving those aspects of the 266
pupil's attitudes and behavior that contributed to the incident 267
that gave rise to the pupil's expulsion. The information shall 268
include the names, addresses, and phone numbers of the 269
appropriate public and private agencies. 270

(E) A pupil or the pupil's parent, guardian, or custodian 271
may appeal the pupil's expulsion by a superintendent or 272
suspension by a superintendent, principal, assistant principal, 273
or other administrator to the board of education or to its 274
designee. If the pupil or the pupil's parent, guardian, or 275
custodian intends to appeal the expulsion or suspension to the 276
board or its designee, the pupil or the pupil's parent, 277
guardian, or custodian shall notify the board in the manner and 278
by the date specified in the notice provided under division (D) 279
of this section. The pupil or the pupil's parent, guardian, or 280
custodian may be represented in all appeal proceedings and shall 281
be granted a hearing before the board or its designee in order 282
to be heard against the suspension or expulsion. At the request 283
of the pupil or of the pupil's parent, guardian, custodian, or 284
attorney, the board or its designee may hold the hearing in 285
executive session but shall act upon the suspension or expulsion 286
only at a public meeting. The board, by a majority vote of its 287
full membership or by the action of its designee, may affirm the 288
order of suspension or expulsion, reinstate the pupil, or 289
otherwise reverse, vacate, or modify the order of suspension or 290

expulsion. 291

The board or its designee shall make a verbatim record of 292
hearings held under this division. The decisions of the board or 293
its designee may be appealed under Chapter 2506. of the Revised 294
Code. 295

This section shall not be construed to require notice and 296
hearing in accordance with division (A), (B), or (C) of this 297
section in the case of normal disciplinary procedures in which a 298
pupil is removed from a curricular activity for a period of less 299
than one school day and is not subject to suspension or 300
expulsion. 301

(F) (1) If a pupil is expelled pursuant to division (B) of 302
this section for committing any violation listed in division (A) 303
of section 3313.662 of the Revised Code and the pupil was 304
sixteen years of age or older at the time of committing the 305
violation, if a complaint, indictment, or information is filed 306
alleging that the pupil is a delinquent child based upon the 307
commission of the violation or the pupil is prosecuted as an 308
adult for the commission of the violation, and if the resultant 309
juvenile court or criminal proceeding is pending at the time 310
that the expulsion terminates, the superintendent of schools 311
that expelled the pupil may file a motion with the court in 312
which the proceeding is pending requesting an order extending 313
the expulsion for the lesser of an additional eighty days or the 314
number of school days remaining in the school year. Upon the 315
filing of the motion, the court immediately shall schedule a 316
hearing and give written notice of the time, date, and location 317
of the hearing to the superintendent and to the pupil and the 318
pupil's parent, guardian, or custodian. At the hearing, the 319
court shall determine whether there is reasonable cause to 320

believe that the pupil committed the alleged violation that is 321
the basis of the expulsion and, upon determining that reasonable 322
cause to believe the pupil committed the violation does exist, 323
shall grant the requested extension. 324

(2) If a pupil has been convicted of or adjudicated a 325
delinquent child for a violation listed in division (A) of 326
section 3313.662 of the Revised Code for an act that was 327
committed when the child was sixteen years of age or older, if 328
the pupil has been expelled pursuant to division (B) of this 329
section for that violation, and if the board of education of the 330
school district of the school from which the pupil was expelled 331
has adopted a resolution seeking the pupil's permanent 332
exclusion, the superintendent may file a motion with the court 333
that convicted the pupil or adjudicated the pupil a delinquent 334
child requesting an order to extend the expulsion until an 335
adjudication order or other determination regarding permanent 336
exclusion is issued by the superintendent of public instruction 337
pursuant to section 3301.121 and division (D) of section 338
3313.662 of the Revised Code. Upon the filing of the motion, the 339
court immediately shall schedule a hearing and give written 340
notice of the time, date, and location of the hearing to the 341
superintendent of the school district, the pupil, and the 342
pupil's parent, guardian, or custodian. At the hearing, the 343
court shall determine whether there is reasonable cause to 344
believe the pupil's continued attendance in the public school 345
system may endanger the health and safety of other pupils or 346
school employees and, upon making that determination, shall 347
grant the requested extension. 348

(G) The failure of the superintendent or the board of 349
education to provide the information regarding the possibility 350
of permanent exclusion in the notice required by divisions (A), 351

(B), and (D) of this section is not jurisdictional, and the
failure shall not affect the validity of any suspension or
expulsion procedure that is conducted in accordance with this
section or the validity of a permanent exclusion procedure that
is conducted in accordance with sections 3301.121 and 3313.662
of the Revised Code.

(H) With regard to suspensions and expulsions pursuant to
divisions (A) and (B) of this section by the board of education
of any city, exempted village, or local school district, this
section shall apply to any student, whether or not the student
is enrolled in the district, attending or otherwise
participating in any curricular program provided in a school
operated by the board or provided on any other property owned or
controlled by the board.

(I) Whenever a student is expelled under this section, the
expulsion shall result in removal of the student from the
student's regular school setting. However, during the period of
the expulsion, the board of education of the school district
that expelled the student or any board of education admitting
the student during that expulsion period may provide educational
services to the student in an alternative setting.

(J) (1) Notwithstanding sections 3109.51 to 3109.80,
3313.64, and 3313.65 of the Revised Code, any school district,
after offering an opportunity for a hearing, may temporarily
deny admittance to any pupil if one of the following applies:

(a) The pupil has been suspended from the schools of
another district under division (A) of this section and the
period of suspension, as established under that division, has
not expired;

(b) The pupil has been expelled from the schools of 381
another district under division (B) of this section and the 382
period of the expulsion, as established under that division or 383
as extended under division (F) of this section, has not expired. 384

If a pupil is temporarily denied admission under this 385
division, the pupil shall be admitted to school in accordance 386
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 387
Revised Code no later than upon expiration of the suspension or 388
expulsion period, as applicable. 389

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 390
and 3313.65 of the Revised Code, any school district, after 391
offering an opportunity for a hearing, may temporarily deny 392
admittance to any pupil if the pupil has been expelled or 393
otherwise removed for disciplinary purposes from a public school 394
in another state and the period of expulsion or removal has not 395
expired. If a pupil is temporarily denied admission under this 396
division, the pupil shall be admitted to school in accordance 397
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 398
Revised Code no later than the earlier of the following: 399

(a) Upon expiration of the expulsion or removal period 400
imposed by the out-of-state school; 401

(b) Upon expiration of a period established by the 402
district, beginning with the date of expulsion or removal from 403
the out-of-state school, that is no greater than the period of 404
expulsion that the pupil would have received under the policy 405
adopted by the district under section 3313.661 of the Revised 406
Code had the offense that gave rise to the expulsion or removal 407
by the out-of-state school been committed while the pupil was 408
enrolled in the district. 409

(K) As used in this section:

(1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.

(2) "In-school suspension" means the pupil will serve all of the suspension in a school setting.

Sec. 3313.661. (A) The board of education of each city, exempted village, and local school district shall adopt a policy regarding suspension, expulsion, removal, and permanent exclusion that specifies the types of misconduct for which a pupil may be suspended, expelled, or removed. The types of misconduct may include misconduct by a pupil that occurs off of property owned or controlled by the district but that is connected to activities or incidents that have occurred on property owned or controlled by that district and misconduct by a pupil that, regardless of where it occurs, is directed at a district official or employee, or the property of such official or employee. The policy shall specify the reasons for which the superintendent of the district may reduce the expulsion requirement in division (B) (2) of section 3313.66 of the Revised Code. If a board of education adopts a resolution pursuant to division (B) (3) of section 3313.66 of the Revised Code, the policy shall define the term "knife" or "firearm," as applicable, for purposes of expulsion under that resolution and shall specify any reasons for which the superintendent of the district may reduce any required expulsion period on a case-by-case basis. If a board of education adopts a resolution pursuant to division (B) (4) or (5) of section 3313.66 of the Revised Code, the policy shall specify any reasons for which the superintendent of the district may reduce any required expulsion period on a case-by-case basis. The policy also shall set forth

the acts listed in section 3313.662 of the Revised Code for 440
which a pupil may be permanently excluded. 441

The policy adopted under this division shall specify the 442
date and manner by which a pupil or a pupil's parent, guardian, 443
or custodian may notify the board of the pupil's, parent's, 444
guardian's, or custodian's intent to appeal an expulsion or 445
suspension to the board or its designee pursuant to division (E) 446
of section 3313.66 of the Revised Code. In the case of any 447
expulsion, the policy shall not specify a date that is less than 448
fourteen days after the date of the notice provided to the pupil 449
or the pupil's parent, guardian, or custodian under division (D) 450
of that section. 451

A copy of the policy shall be posted on the district's web 452
site, if the district has one, and in a central location in the 453
school and shall be made available to pupils upon request. No 454
pupil shall be suspended, expelled, or removed except in 455
accordance with the policy adopted by the board of education of 456
the school district in which the pupil attends school, and no 457
pupil shall be permanently excluded except in accordance with 458
sections 3301.121 and 3313.662 of the Revised Code. 459

(B) (1) A board of education may establish a program and 460
adopt guidelines under which a superintendent may require a 461
pupil to perform community service in conjunction with a 462
suspension or expulsion imposed under section 3313.66 of the 463
Revised Code or in place of a suspension or expulsion imposed 464
under section 3313.66 of the Revised Code except for an 465
expulsion imposed pursuant to division (B) (2) of that section. 466
If a board adopts guidelines under this division, they shall 467
permit, except with regard to an expulsion pursuant to division 468
(B) (2) of section 3313.66 of the Revised Code, a superintendent 469

to impose a community service requirement beyond the end of the
school year in lieu of applying an expulsion into the following
school year. Any guidelines adopted shall be included in the
policy adopted under this section.

(2) If a pupil is suspended or expelled for an offense of
harassment, intimidation, or bullying under section 3313.669 of
the Revised Code, the board of education shall file a notice
with a municipal court that has jurisdiction in the school
district. Within three days after the notice is filed, the court
or a person, agency, or organization appointed by the court, in
consultation with the child, the child's parent or guardian, and
the child's school, shall develop a community service plan. The
plan shall include specific goals and timelines under which the
pupil must perform community service during the term of the
pupil's suspension or expulsion.

(C) The written policy of each board of education that is
adopted pursuant to section 3313.20 of the Revised Code shall be
posted on the district's web site, if the district has one, and
in a central location in each school that is subject to the
policy and shall be made available to pupils upon request.

(D) Any policy, program, or guideline adopted by a board
of education under this section with regard to suspensions or
expulsions pursuant to division (A) or (B) of section 3313.66 of
the Revised Code shall apply to any student, whether or not the
student is enrolled in the district, attending or otherwise
participating in any curricular program provided in a school
operated by the board or provided on any other property owned or
controlled by the board.

(E) As used in this section, ~~"permanently";~~

(1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.	499 500
(2) "Harassment, intimidation, or bullying" has the same meaning as in section 3313.666 of the Revised Code.	501 502
Sec. 3313.666. (A) As used in this section:	503
(1) "Electronic act" means an act committed through the use of a cellular telephone, computer, pager, personal communication device, or other electronic communication device.	504 505 506
(2) "Harassment, intimidation, or bullying" means either <u>any</u> of the following:	507 508
(a) Any intentional written, verbal, electronic, or physical act that a student has exhibited toward another particular student <u>or an administrator, employee, faculty member, consultant, or volunteer of the district</u> more than once and the behavior both:	509 510 511 512 513
(i) Causes mental or physical harm to the other student <u>or the administrator, employee, faculty member, consultant, or volunteer of the district;</u>	514 515 516
(ii) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student <u>or the administrator, employee, faculty member, consultant, or volunteer of the district.</u>	517 518 519 520 521
(b) Violence within a dating relationship;	522
(c) Hazing as defined in section 2903.31 of the Revised Code.	523 524
(B) The board of education of each city, local, exempted	525

village, and joint vocational school district shall establish a 526
policy prohibiting the harassment, intimidation, or bullying of 527
students and administrators, employees, faculty members, 528
consultants, and volunteers of the district. The policy shall be 529
developed in consultation with parents, school employees, school 530
volunteers, students, and community members, and shall apply to 531
grades kindergarten through twelve. The policy shall include the 532
following: 533

(1) A statement prohibiting harassment, intimidation, or 534
bullying of any student on school property, on a school bus, or 535
at school-sponsored events and expressly providing for the 536
possibility of suspension of a student found responsible for 537
harassment, intimidation, or bullying by an electronic act; 538

(2) A definition of harassment, intimidation, or bullying 539
that includes the definition in division (A) of this section; 540

(3) A procedure for reporting prohibited incidents; 541

(4) A requirement that school personnel report prohibited 542
incidents of which they are aware to the school principal or 543
other administrator designated by the principal; 544

(5) A requirement that the custodial parent or guardian of 545
any student involved in a prohibited incident be notified and, 546
to the extent permitted by section 3319.321 of the Revised Code 547
and the "Family Educational Rights and Privacy Act of 1974," 88 548
Stat. 571, 20 U.S.C. 1232g, as amended, have access to any 549
written reports pertaining to the prohibited incident~~+~~. For each 550
prohibited incident, the district shall maintain a record 551
verifying that the custodial parent or guardian was notified of 552
the incident. 553

(6) A procedure for documenting any prohibited incident 554

that is reported; 555

(7) A procedure for responding to and investigating any 556
reported incident; 557

(8) A strategy for protecting a victim or other person 558
from new or additional harassment, intimidation, or bullying, 559
and from retaliation following a report, including a means by 560
which a person may report an incident anonymously; 561

(9) A disciplinary procedure for any student guilty of 562
harassment, intimidation, or bullying, which shall not infringe 563
on any student's rights under the first amendment to the 564
Constitution of the United States~~7~~. The disciplinary procedure 565
shall comply with section 3313.669 of the Revised Code. 566

(10) A disciplinary procedure for any student guilty of 567
retaliation against a student who reports an incident of 568
harassment, intimidation, or bullying; 569

(11) A statement prohibiting students from deliberately 570
making false reports of harassment, intimidation, or bullying 571
and a disciplinary procedure for any student responsible for 572
deliberately making a false report of that nature; 573

~~(11)~~ (12) A requirement that the district administration 574
semiannually provide the president of the district board a 575
written summary of all reported incidents and post the summary 576
on its web site, if the district has a web site, to the extent 577
permitted by section 3319.321 of the Revised Code and the 578
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 579
571, 20 U.S.C. 1232g, as amended. 580

(C) Each board's policy shall appear in any student 581
handbooks, and in any of the publications that set forth the 582
comprehensive rules, procedures, and standards of conduct for 583

schools and students in the district. The policy and an 584
explanation of the seriousness of bullying by electronic means 585
shall be made available to students in the district and to their 586
custodial parents or guardians. Information regarding the policy 587
shall be incorporated into employee training materials. 588

(D) (1) To the extent that state or federal funds are 589
appropriated for this purpose, each board shall require that all 590
students enrolled in the district annually be provided with age- 591
appropriate instruction, as determined by the board, on the 592
board's policy, including a written or verbal discussion of the 593
consequences for violations of the policy. 594

(2) Each board shall require that once each school year a 595
written statement describing the policy and the consequences for 596
violations of the policy be sent to each student's custodial 597
parent or guardian. The statement may be sent with regular 598
student report cards or may be delivered electronically. 599

(E) A school district employee, student, or volunteer 600
shall be individually immune from liability in a civil action 601
for damages arising from reporting an incident in accordance 602
with a policy adopted pursuant to this section if that person 603
reports an incident of harassment, intimidation, or bullying 604
promptly in good faith and in compliance with the procedures as 605
specified in the policy. 606

(F) Except as provided in division (E) of this section, 607
nothing in this section prohibits a victim from seeking redress 608
under any other provision of the Revised Code or common law that 609
may apply. 610

(G) This section does not create a new cause of action or 611
a substantive legal right for any person. 612

(H) Each board shall update the policy adopted under this section to include violence within a dating relationship ~~and,~~ harassment, intimidation, or bullying by electronic means, ~~and~~ hazing. The board also shall review and update the policy adopted under this section at least once every three years.

Sec. 3313.669. (A) The board of education of each city, exempted village, or local school district shall adopt a resolution establishing a policy under section 3313.661 of the Revised Code that requires the superintendent of schools to do the following for a pupil who commits an offense of harassment, intimidation, or bullying:

(1) For the first offense, suspend that pupil for up to ten days;

(2) For the second offense within the same calendar year, expel that pupil for up to one hundred eighty-two days.

If at the time a suspension or expulsion is imposed under this section there are fewer school days remaining in the school year in which the incident that gives rise to the suspension or expulsion takes place than the number of days for which the pupil is suspended or expelled, the superintendent shall apply any remaining part of the period of the suspension or expulsion to the following school year.

(B) If a pupil is suspended or expelled for an offense of harassment, intimidation, or bullying under this section, the board of education shall file a notice with a municipal court that has jurisdiction in the school district. Within three days after the notice is filed, the court or a person, agency, or organization appointed by the court, in consultation with the child, the child's parent or guardian, and the child's school,

shall develop a community service plan. The plan shall include
specific goals and timelines under which the pupil must perform
community service during the term of the pupil's suspension or
expulsion. The duration of the community service performed under
the plan shall equal the number of days for which a pupil is
suspended or expelled. In order to complete the required number
of days, the community service plan may continue beyond the date
upon which a pupil returns to school.

(C) During the period of a pupil's suspension or expulsion
under this section, the district shall do all of the following:

(1) Permit the pupil to complete all missed schoolwork.
For this purpose, the district may offer tutoring and academic
support to the student.

(2) Permit the pupil to take any required state
assessment. For this purpose, the pupil shall be permitted to
take the assessment in the student's regular school setting.

(3) Provide counseling for the suspended or expelled
pupil, so long as the parent, guardian, or custodian of the
pupil gives permission for the pupil to undergo such counseling;

(4) Prohibit the pupil from participating in any
extracurricular activity, as defined in section 3313.537 of the
Revised Code.

The district also shall offer counseling services to the
victim of the offense. However, the victim is not required to
participate in the counseling.

(D) As a condition of returning to school, a pupil who is
suspended or expelled under this section shall complete all
missed schoolwork and the required amount of counseling, as
determined by the superintendent. If the pupil does not complete

these requirements, the pupil may be permitted to return to
school provided the superintendent determines that the pupil has
made sufficient progress towards completing the requirements.

If a parent, guardian, or custodian does not give
permission for a suspended or expelled pupil to undergo
counseling, the pupil shall not be permitted to return to
school.

(E) No pupil shall be suspended or expelled under this
section unless, prior to the pupil's suspension or expulsion,
the superintendent does both of the following:

(1) Gives the pupil and the pupil's parent, guardian, or
custodian written notice of the intention to suspend or expel
the pupil;

(2) Provides the pupil and the pupil's parent, guardian,
custodian, or representative an opportunity to appear in person
before the superintendent or the superintendent's designee to
challenge the reasons for the intended suspension or expulsion
or otherwise to explain the pupil's actions.

The notice required in this division shall include the
reasons for the intended suspension or expulsion, notification
of the opportunity of the pupil and the pupil's parent,
guardian, custodian, or representative to appear before the
superintendent or the superintendent's designee to challenge the
reasons for the intended suspension or expulsion or otherwise to
explain the pupil's action, and notification of the time and
place to appear. The time to appear shall not be earlier than
three nor later than five school days after the notice is given,
unless the superintendent grants an extension of time at the
request of the pupil or the pupil's parent, guardian, custodian,

or representative. If an extension is granted after giving the 700
original notice, the superintendent shall notify the pupil and 701
the pupil's parent, guardian, custodian, or representative of 702
the new time and place to appear. 703

(F) The superintendent or principal, within one school day 704
after the time of a pupil's expulsion or suspension, shall 705
notify in writing the parent, guardian, or custodian of the 706
pupil and the treasurer of the board of education of the 707
expulsion or suspension. The notice shall include the reasons 708
for the expulsion or suspension, notification of the right of 709
the pupil or the pupil's parent, guardian, or custodian to 710
appeal the expulsion or suspension to the board of education or 711
to its designee, to be represented in all appeal proceedings, to 712
be granted a hearing before the board or its designee in order 713
to be heard against the suspension or expulsion, and to request 714
that the hearing be held in executive session. 715

In accordance with the policy adopted by the board of 716
education under this section, the notice provided under this 717
division shall specify the manner and date by which the pupil or 718
the pupil's parent, guardian, or custodian shall notify the 719
board of the pupil's, parent's, guardian's, or custodian's 720
intent to appeal the expulsion or suspension to the board or its 721
designee. 722

(G) A pupil or the pupil's parent, guardian, or custodian 723
may appeal the pupil's suspension or expulsion by a 724
superintendent or suspension by a superintendent, principal, 725
assistant principal, or other administrator to the board of 726
education or to its designee. If the pupil or the pupil's 727
parent, guardian, or custodian intends to appeal the suspension 728
or expulsion to the board or its designee, the pupil or the 729

pupil's parent, guardian, or custodian shall notify the board in 730
the manner and by the date specified in the notice provided 731
under division (E) of this section. The pupil or the pupil's 732
parent, guardian, or custodian may be represented in all appeal 733
proceedings and shall be granted a hearing before the board or 734
its designee in order to be heard against the suspension or 735
expulsion. At the request of the pupil or of the pupil's parent, 736
guardian, custodian, or attorney, the board or its designee may 737
hold the hearing in executive session but shall act upon the 738
suspension or expulsion only at a public meeting. The board, by 739
a majority vote of its full membership or by the action of its 740
designee, may affirm the order of suspension or expulsion, 741
reinstate the pupil, or otherwise reverse, vacate, or modify the 742
order of suspension or expulsion. 743

The board or its designee shall make a verbatim record of 744
hearings held under this division. The decisions of the board or 745
its designee may be appealed under Chapter 2506. of the Revised 746
Code. 747

(H) This section does not apply to any pupil in grades 748
kindergarten through three or a pupil who has a developmental 749
disability. 750

Sec. 3314.03. A copy of every contract entered into under 751
this section shall be filed with the superintendent of public 752
instruction. The department of education shall make available on 753
its web site a copy of every approved, executed contract filed 754
with the superintendent under this section. 755

(A) Each contract entered into between a sponsor and the 756
governing authority of a community school shall specify the 757
following: 758

- (1) That the school shall be established as either of the following: 759
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- (a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 761
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- (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 764
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- (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 766
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- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 770
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- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 774
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- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 778
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- (6) (a) Dismissal procedures; 781
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the 782
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786

student. 787

(7) The ways by which the school will achieve racial and 788
ethnic balance reflective of the community it serves; 789

(8) Requirements for financial audits by the auditor of 790
state. The contract shall require financial records of the 791
school to be maintained in the same manner as are financial 792
records of school districts, pursuant to rules of the auditor of 793
state. Audits shall be conducted in accordance with section 794
117.10 of the Revised Code. 795

(9) An addendum to the contract outlining the facilities 796
to be used that contains at least the following information: 797

(a) A detailed description of each facility used for 798
instructional purposes; 799

(b) The annual costs associated with leasing each facility 800
that are paid by or on behalf of the school; 801

(c) The annual mortgage principal and interest payments 802
that are paid by the school; 803

(d) The name of the lender or landlord, identified as 804
such, and the lender's or landlord's relationship to the 805
operator, if any. 806

(10) Qualifications of teachers, including a requirement 807
that the school's classroom teachers be licensed in accordance 808
with sections 3319.22 to 3319.31 of the Revised Code, except 809
that a community school may engage noncertificated persons to 810
teach up to twelve hours per week pursuant to section 3319.301 811
of the Revised Code. 812

(11) That the school will comply with the following 813
requirements: 814

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 844
3313.611, and 3313.614 of the Revised Code, except that for 845
students who enter ninth grade for the first time before July 1, 846
2010, the requirement in sections 3313.61 and 3313.611 of the 847
Revised Code that a person must successfully complete the 848
curriculum in any high school prior to receiving a high school 849
diploma may be met by completing the curriculum adopted by the 850
governing authority of the community school rather than the 851
curriculum specified in Title XXXIII of the Revised Code or any 852
rules of the state board of education. Beginning with students 853
who enter ninth grade for the first time on or after July 1, 854
2010, the requirement in sections 3313.61 and 3313.611 of the 855
Revised Code that a person must successfully complete the 856
curriculum of a high school prior to receiving a high school 857
diploma shall be met by completing the requirements prescribed 858
in division (C) of section 3313.603 of the Revised Code, unless 859
the person qualifies under division (D) or (F) of that section. 860
Each school shall comply with the plan for awarding high school 861
credit based on demonstration of subject area competency, and 862
beginning with the 2017-2018 school year, with the updated plan 863
that permits students enrolled in seventh and eighth grade to 864
meet curriculum requirements based on subject area competency 865
adopted by the state board of education under divisions (J) (1) 866
and (2) of section 3313.603 of the Revised Code. Beginning with 867
the 2018-2019 school year, the school shall comply with the 868
framework for granting units of high school credit to students 869
who demonstrate subject area competency through work-based 870
learning experiences, internships, or cooperative education 871
developed by the department under division (J) (3) of section 872
3313.603 of the Revised Code. 873

(g) The school governing authority will submit within four 874

months after the end of each school year a report of its 875
activities and progress in meeting the goals and standards of 876
divisions (A) (3) and (4) of this section and its financial 877
status to the sponsor and the parents of all students enrolled 878
in the school. 879

(h) The school, unless it is an internet- or computer- 880
based community school, will comply with section 3313.801 of the 881
Revised Code as if it were a school district. 882

(i) If the school is the recipient of moneys from a grant 883
awarded under the federal race to the top program, Division (A), 884
Title XIV, Sections 14005 and 14006 of the "American Recovery 885
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 886
the school will pay teachers based upon performance in 887
accordance with section 3317.141 and will comply with section 888
3319.111 of the Revised Code as if it were a school district. 889

(j) If the school operates a preschool program that is 890
licensed by the department of education under sections 3301.52 891
to 3301.59 of the Revised Code, the school shall comply with 892
sections 3301.50 to 3301.59 of the Revised Code and the minimum 893
standards for preschool programs prescribed in rules adopted by 894
the state board under section 3301.53 of the Revised Code. 895

(k) The school will comply with sections 3313.6021 and 896
3313.6023 of the Revised Code as if it were a school district 897
unless it is either of the following: 898

(i) An internet- or computer-based community school; 899

(ii) A community school in which a majority of the 900
enrolled students are children with disabilities as described in 901
division (A) (4) (b) of section 3314.35 of the Revised Code. 902

(12) Arrangements for providing health and other benefits 903

to employees; 904

(13) The length of the contract, which shall begin at the 905
beginning of an academic year. No contract shall exceed five 906
years unless such contract has been renewed pursuant to division 907
(E) of this section. 908

(14) The governing authority of the school, which shall be 909
responsible for carrying out the provisions of the contract; 910

(15) A financial plan detailing an estimated school budget 911
for each year of the period of the contract and specifying the 912
total estimated per pupil expenditure amount for each such year. 913

(16) Requirements and procedures regarding the disposition 914
of employees of the school in the event the contract is 915
terminated or not renewed pursuant to section 3314.07 of the 916
Revised Code; 917

(17) Whether the school is to be created by converting all 918
or part of an existing public school or educational service 919
center building or is to be a new start-up school, and if it is 920
a converted public school or service center building, 921
specification of any duties or responsibilities of an employer 922
that the board of education or service center governing board 923
that operated the school or building before conversion is 924
delegating to the governing authority of the community school 925
with respect to all or any specified group of employees provided 926
the delegation is not prohibited by a collective bargaining 927
agreement applicable to such employees; 928

(18) Provisions establishing procedures for resolving 929
disputes or differences of opinion between the sponsor and the 930
governing authority of the community school; 931

(19) A provision requiring the governing authority to 932

adopt a policy regarding the admission of students who reside 933
outside the district in which the school is located. That policy 934
shall comply with the admissions procedures specified in 935
sections 3314.06 and 3314.061 of the Revised Code and, at the 936
sole discretion of the authority, shall do one of the following: 937

(a) Prohibit the enrollment of students who reside outside 938
the district in which the school is located; 939

(b) Permit the enrollment of students who reside in 940
districts adjacent to the district in which the school is 941
located; 942

(c) Permit the enrollment of students who reside in any 943
other district in the state. 944

(20) A provision recognizing the authority of the 945
department of education to take over the sponsorship of the 946
school in accordance with the provisions of division (C) of 947
section 3314.015 of the Revised Code; 948

(21) A provision recognizing the sponsor's authority to 949
assume the operation of a school under the conditions specified 950
in division (B) of section 3314.073 of the Revised Code; 951

(22) A provision recognizing both of the following: 952

(a) The authority of public health and safety officials to 953
inspect the facilities of the school and to order the facilities 954
closed if those officials find that the facilities are not in 955
compliance with health and safety laws and regulations; 956

(b) The authority of the department of education as the 957
community school oversight body to suspend the operation of the 958
school under section 3314.072 of the Revised Code if the 959
department has evidence of conditions or violations of law at 960

the school that pose an imminent danger to the health and safety 961
of the school's students and employees and the sponsor refuses 962
to take such action. 963

(23) A description of the learning opportunities that will 964
be offered to students including both classroom-based and non- 965
classroom-based learning opportunities that is in compliance 966
with criteria for student participation established by the 967
department under division (H) (2) of section 3314.08 of the 968
Revised Code; 969

(24) The school will comply with sections 3302.04 and 970
3302.041 of the Revised Code, except that any action required to 971
be taken by a school district pursuant to those sections shall 972
be taken by the sponsor of the school. However, the sponsor 973
shall not be required to take any action described in division 974
(F) of section 3302.04 of the Revised Code. 975

(25) Beginning in the 2006-2007 school year, the school 976
will open for operation not later than the thirtieth day of 977
September each school year, unless the mission of the school as 978
specified under division (A) (2) of this section is solely to 979
serve dropouts. In its initial year of operation, if the school 980
fails to open by the thirtieth day of September, or within one 981
year after the adoption of the contract pursuant to division (D) 982
of section 3314.02 of the Revised Code if the mission of the 983
school is solely to serve dropouts, the contract shall be void. 984

(26) Whether the school's governing authority is planning 985
to seek designation for the school as a STEM school equivalent 986
under section 3326.032 of the Revised Code; 987

(27) That the school's attendance and participation 988
policies will be available for public inspection; 989

(28) That the school's attendance and participation 990
records shall be made available to the department of education, 991
auditor of state, and school's sponsor to the extent permitted 992
under and in accordance with the "Family Educational Rights and 993
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 994
and any regulations promulgated under that act, and section 995
3319.321 of the Revised Code; 996

(29) If a school operates using the blended learning 997
model, as defined in section 3301.079 of the Revised Code, all 998
of the following information: 999

(a) An indication of what blended learning model or models 1000
will be used; 1001

(b) A description of how student instructional needs will 1002
be determined and documented; 1003

(c) The method to be used for determining competency, 1004
granting credit, and promoting students to a higher grade level; 1005

(d) The school's attendance requirements, including how 1006
the school will document participation in learning 1007
opportunities; 1008

(e) A statement describing how student progress will be 1009
monitored; 1010

(f) A statement describing how private student data will 1011
be protected; 1012

(g) A description of the professional development 1013
activities that will be offered to teachers. 1014

(30) A provision requiring that all moneys the school's 1015
operator loans to the school, including facilities loans or cash 1016
flow assistance, must be accounted for, documented, and bear 1017

interest at a fair market rate; 1018

(31) A provision requiring that, if the governing 1019
authority contracts with an attorney, accountant, or entity 1020
specializing in audits, the attorney, accountant, or entity 1021
shall be independent from the operator with which the school has 1022
contracted. 1023

(B) The community school shall also submit to the sponsor 1024
a comprehensive plan for the school. The plan shall specify the 1025
following: 1026

(1) The process by which the governing authority of the 1027
school will be selected in the future; 1028

(2) The management and administration of the school; 1029

(3) If the community school is a currently existing public 1030
school or educational service center building, alternative 1031
arrangements for current public school students who choose not 1032
to attend the converted school and for teachers who choose not 1033
to teach in the school or building after conversion; 1034

(4) The instructional program and educational philosophy 1035
of the school; 1036

(5) Internal financial controls. 1037

When submitting the plan under this division, the school 1038
shall also submit copies of all policies and procedures 1039
regarding internal financial controls adopted by the governing 1040
authority of the school. 1041

(C) A contract entered into under section 3314.02 of the 1042
Revised Code between a sponsor and the governing authority of a 1043
community school may provide for the community school governing 1044
authority to make payments to the sponsor, which is hereby 1045

authorized to receive such payments as set forth in the contract 1046
between the governing authority and the sponsor. The total 1047
amount of such payments for monitoring, oversight, and technical 1048
assistance of the school shall not exceed three per cent of the 1049
total amount of payments for operating expenses that the school 1050
receives from the state. 1051

(D) The contract shall specify the duties of the sponsor 1052
which shall be in accordance with the written agreement entered 1053
into with the department of education under division (B) of 1054
section 3314.015 of the Revised Code and shall include the 1055
following: 1056

(1) Monitor the community school's compliance with all 1057
laws applicable to the school and with the terms of the 1058
contract; 1059

(2) Monitor and evaluate the academic and fiscal 1060
performance and the organization and operation of the community 1061
school on at least an annual basis; 1062

(3) Report on an annual basis the results of the 1063
evaluation conducted under division (D) (2) of this section to 1064
the department of education and to the parents of students 1065
enrolled in the community school; 1066

(4) Provide technical assistance to the community school 1067
in complying with laws applicable to the school and terms of the 1068
contract; 1069

(5) Take steps to intervene in the school's operation to 1070
correct problems in the school's overall performance, declare 1071
the school to be on probationary status pursuant to section 1072
3314.073 of the Revised Code, suspend the operation of the 1073
school pursuant to section 3314.072 of the Revised Code, or 1074

terminate the contract of the school pursuant to section 3314.07 1075
of the Revised Code as determined necessary by the sponsor; 1076

(6) Have in place a plan of action to be undertaken in the 1077
event the community school experiences financial difficulties or 1078
closes prior to the end of a school year. 1079

(E) Upon the expiration of a contract entered into under 1080
this section, the sponsor of a community school may, with the 1081
approval of the governing authority of the school, renew that 1082
contract for a period of time determined by the sponsor, but not 1083
ending earlier than the end of any school year, if the sponsor 1084
finds that the school's compliance with applicable laws and 1085
terms of the contract and the school's progress in meeting the 1086
academic goals prescribed in the contract have been 1087
satisfactory. Any contract that is renewed under this division 1088
remains subject to the provisions of sections 3314.07, 3314.072, 1089
and 3314.073 of the Revised Code. 1090

(F) If a community school fails to open for operation 1091
within one year after the contract entered into under this 1092
section is adopted pursuant to division (D) of section 3314.02 1093
of the Revised Code or permanently closes prior to the 1094
expiration of the contract, the contract shall be void and the 1095
school shall not enter into a contract with any other sponsor. A 1096
school shall not be considered permanently closed because the 1097
operations of the school have been suspended pursuant to section 1098
3314.072 of the Revised Code. 1099

Sec. 3326.11. Each science, technology, engineering, and 1100
mathematics school established under this chapter and its 1101
governing body shall comply with sections 9.90, 9.91, 109.65, 1102
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1103
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 1104

3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 1105
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 1106
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 1107
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 1108
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3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 1114
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 1115
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 1116
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 1117
4112., 4123., 4141., and 4167. of the Revised Code as if it were 1118
a school district. 1119

Sec. 3345.19. (A) Each state institution of higher 1120
education shall adopt a policy, including rules, regarding 1121
harassment, intimidation, or bullying and hazing. The policy 1122
shall include penalties for harassment, intimidation, or 1123
bullying and hazing, including sanctions, fines, the withholding 1124
of a diploma or transcript, probation, suspension, and 1125
expulsion. 1126

(B) As used in this section: 1127

(1) "Harassment, intimidation, or bullying" means any 1128
intentional written, verbal, electronic, or physical act that a 1129
student has exhibited toward another particular student or an 1130
administrator, employee, faculty member, consultant, or 1131
volunteer of the institution more than once and the behavior 1132
both: 1133

(a) Causes mental or physical harm to the other student or 1134

the administrator, employee, faculty member, consultant, or 1135
volunteer; 1136

(b) Is sufficiently severe, persistent, or pervasive that 1137
it creates an intimidating, threatening, or abusive educational 1138
environment for the other student or the administrator, 1139
employee, faculty member, consultant, or volunteer. 1140

(2) "Hazing" has the same meaning as in section 2903.31 of 1141
the Revised Code. 1142

(3) "State institution of higher education" has the same 1143
meaning as in section 3345.011 of the Revised Code. 1144

Section 2. That existing sections 2903.31, 3313.66, 1145
3313.661, 3313.666, 3314.03, and 3326.11 of the Revised Code are 1146
hereby repealed. 1147

Section 3. This act shall be known as the "Ohio Anti- 1148
Bullying and Hazing Act." 1149

Language Incorporated from other States

1. Utah:

- Each School must "notify the parents of each student involved in an incident of bullying, cyber-bullying, harassment, hazing, or retaliation, of the incident" and "maintain a record that verifies that the parent was notified of the incident."

2. Florida:

- "Each school district shall adopt and review at least every 3 years a policy prohibiting bullying, harassment, or hazing of a student or employee of a public, K-12 educational institution."

3. Wisconsin:

- Disciplinary procedures must also address "pupils who retaliate against a pupil who reports an incident of bullying."

4. Minnesota:

- Each school board shall have a written policy addressing student or staff bullying or hazing. This policy must apply to student behavior both on or off school property, during and after school hours.

5. Missouri:

- If the act creates a substantial risk to the life of the student or prospective member, it shall be a 3rd degree felony.

6. Alaska:

- The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives.

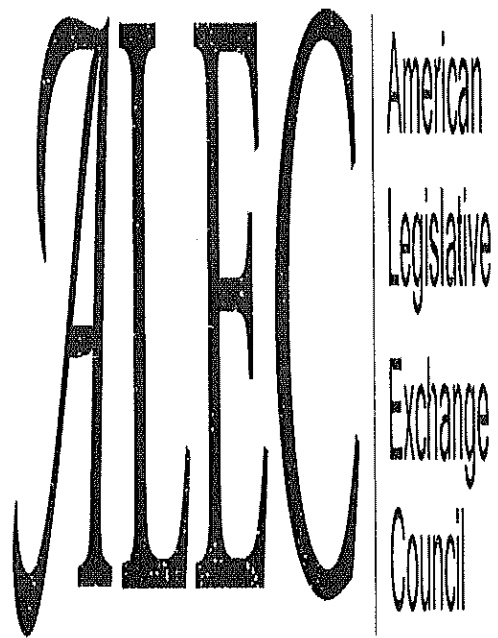
7. Pennsylvania:

- Each State Institution of Higher Education shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules to be administered by the person or agency at the institution responsible for the sanctioning or recognition of such organizations.
- Such penalties may include fines, withholding of diplomas or transcripts, probation, suspension, or expulsion.

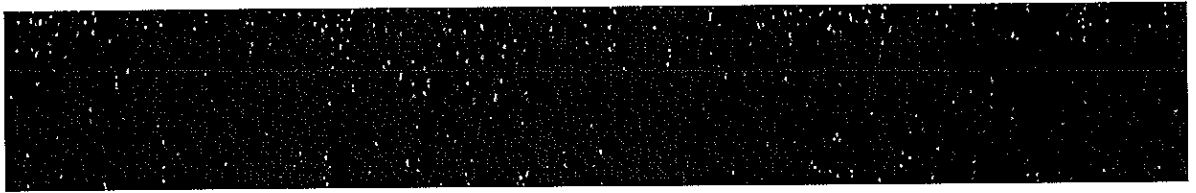
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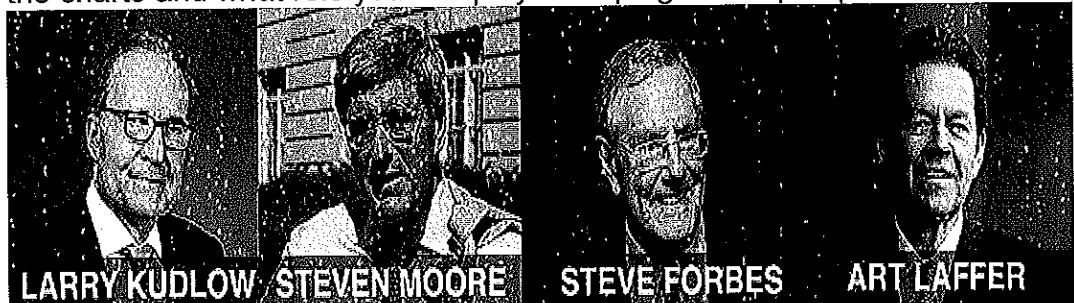


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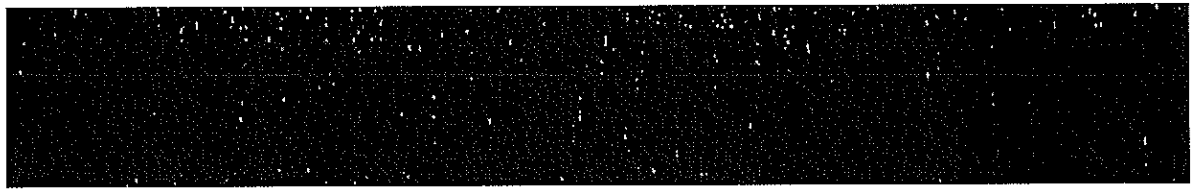
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Good morning everyone,

Since I started in the House, I've had the Ashbrook Center's pocket Constitution and Declaration perched upon my desk. It's a neat little booklet that also contains Lincoln's Second Inaugural, the Gettysburg Address, and excerpts from some of Thomas Jefferson's letters. I've turned to it many times for inspiration, and occasionally, for work purposes. I carried this same pocket constitution while I was in college, when I was just beginning to understand the depth of meaning contained in our Founding documents.

Now, I am excited to carry this same little booklet back to the Ashbrook Center to embark on a new chapter in my career. With it, I carry back a deeper understanding of the legislative process, and great experiences in politics. It still astounds me that we all have had the opportunity to help make law and improve the lives of 11.5 million people. I'm incredibly grateful for the opportunity to serve the people of Ohio. These experiences will all help me with my new mission of cultivating good civics education in our country through the use of primary source documents.

Better yet, I'll also carry with this little booklet memories and friendships that will last a lifetime. I'll miss the House, but I won't be far away. Feel free to stay in touch. My cell is 419-561-0073 and my personal email is brossman4913@gmail.com

Sincerely,

Brent Rossman

Legislative Aide
Representative Wes Goodman
Ohio House of Representatives
District 87

Brent.Rossman@ohiohouse.gov
Office: 614.644.6265
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NATIONAL CONFERENCE of STATE LEGISLATURES



Oct. 2, 2017

Congress Shifts to Tax Reform

On Sept. 27, Trump and the "Big Six"—which includes Senate Majority Leader Mitch McConnell (R-Ky.), Speaker Paul Ryan (R-Wis.), Senate Finance Chairman Orrin Hatch (R-Utah), House Ways and Means Chairman Kevin Brady (R-Texas), Treasury Secretary Steven Mnuchin and National Economic Council Director Gary Cohn—released their "unified framework" for overhauling the U.S. tax code. The nine-page document will serve as a starting point for tax writers in both the House and the Senate to hash out the rest of the details.

But before it fleshes out the details of tax reform, Congress will need to pass a budget resolution that includes tax reform instructions so that it can then use budget reconciliation for tax reform. Budget reconciliation is a legislative maneuver that allows the majority in the Senate to bypass the filibuster process, allowing them to pass legislation with 51 votes, instead of the normal 60. The House is expected to vote on its FY 2018 budget on Thursday. In the Senate, the full Budget Committee is expected to mark up its budget plan, which is quite different than the House bill, later this week.

Concerning tax reform, the Senate budget would allow tax writers to add as much as \$1.5 trillion to the deficit over 10 years, but the House budget would not allow a tax plan to add to the deficit. This is just one of several differences that the two chambers will have to reconcile before moving forward on a tax package. Budget aside, the White House is optimistic for a tax plan to move quickly through Congress. "We would hope to be in the Senate in November," Cohn told reporters last week. "And we would hope to have a bill done by this year."

Meanwhile, the administration and GOP leaders will need to package this plan and sell it to the public as tax relief for the middle class and not a windfall for the wealthiest Americans if they want the reform to make it across the finish line. They will also need to secure the necessary votes in the Senate, which is anything but assured given that the slim Republican majority can ill-afford to lose votes of support.

In sum, enacting a tax plan this year might be overly optimistic given the tight congressional calendar and lack of agreement on key policy details. While Republicans are desperate for a win and a legislative victory, tax reform is by no means an easy feat and the process may continue well into 2018.

NCSL Contacts: Max Behlke; Jake Lestock

NCSL Urges Preservation of the SALT Deduction

On Sept. 27, NCSL released the following statement regarding the tax reform framework:

As a central tenet of tax reform is to provide tax relief for the middle class, NCSL is dismayed that the released framework will eliminate a deduction that is vital to middle class taxpayers, the State and Local Tax (SALT) deduction. The SALT deduction has existed in the federal tax code since its inception, which coincidentally was also when the federal tax code was at its simplest, because federal tax writers were cognizant to not tax an individual's income twice.

Eliminating this deduction will lead to higher tax burdens for tens of millions of middle class taxpayers of every political affiliation, an outcome contrary to the stated goal of providing meaningful relief to taxpayers. The elimination of the SALT deduction also impedes the ability of states to invest in infrastructure, fund education, and provide the vital public services that Americans expect from their state and local governments.

Ensuring that the incomes of American workers are not taxed twice hardly counts as a special interest tax break or loophole that needs to be closed. NCSL strongly supports preservation of the SALT deduction and opposes any attempt to harm middle class taxpayers and their communities.

Protect state taxpayers. Protect local decision making. Protect SALT.

NCSL Contacts: Max Behlke; Jake Lestock

DYK? The Coinage Act of 1792 established the U.S. Mint, created the dollar as the nation's standard unit of money, and regulated the country's coinage. Specifically, the law specified that \$10, \$5 and \$2.50 coins (known as eagles, half-eagles and quarter-eagles) were to be made of their face value in gold, while the dollar, half-dollar, quarter-dollar, dime and half-dime coins were to be made of their value in silver. Criminals found that they could make a profit by filing shavings from the sides of gold and silver coins, and selling it. It did not take long for the U.S. Mint to begin adding ridges to the coins' edges, a process called "reeding," to make it impossible to shave them down without the result being obvious. As a side benefit, the reeded edges make counterfeiting more difficult.

SCOTUS Gerrymandering Case Could Reshape American Politics

"There is only one prediction that is entirely safe about the upcoming term, and that is it will be momentous." - Justice Ruth Bader Ginsburg, Sept. 20, 2017

Today, the Supreme Court of the United States (SCOTUS) returns for what could be one of the most consequential terms of the court in recent memory. In addition to cases on immigration, religious freedom, and privacy already on the docket, it will hear oral arguments in a case about partisan gerrymandering in Wisconsin, where a federal court in November 2016 struck down a legislative map for being too partisan. In *Gill v. Whitford*, a panel of three federal judges ruled that the Wisconsin State Assembly map adopted in 2011 violated the First and 14th Amendments to the Constitution. If the court ultimately rules against the plaintiffs, it could mean that no amount of partisan bias could make electoral districts unconstitutional. But on the flipside, if the court sides with the plaintiffs, it could ultimately lead to drastic changes of electoral maps and how state legislatures draw them.

DYK? On this day in...

- **1996:** President Bill Clinton signed the Electronic Freedom of Information Act Amendments (E-FOIA), which required executive branch agencies to make certain types of records, created on or after Nov. 1, 1996, to be made available electronically. The amendments also required agencies to provide electronic reading rooms for citizens to use and extended the response time to FOIA requests from 10 days to 20 business days.
- **1980:** Pennsylvania Congressman Michael Myers became the first member of either chamber of Congress to be expelled since the Civil War, for his involvement in the Abscam scandal. As part of the public corruption investigation, Myers was videotaped accepting a \$50,000 bribe from undercover FBI Agents.
- **1967:** Thurgood Marshall was sworn in as the first African-American justice of the Supreme Court of the United States.

Senate Releases Bipartisan Autonomous Vehicle Legislation That Pre-empts States

On Sep. 28, Senate Commerce Committee Chairman John Thune (R-S.D.), and Senators Gary Peters (D-Mich.), Roy Blunt (R-Mo.), and Debbie Stabenow (D-Mich.) unveiled legislation regarding autonomous vehicles—the American Vision for Safer Transportation Through Advancement of Revolutionary Technologies (AV START) Act. The AV START Act is similar to the House passed SELF DRIVE but it also contains several significant differences as well as areas of concerns for states, notably in the areas of pre-emption and safety evaluation reports. The Commerce Committee will consider the legislation at a markup schedule for Oct. 4.

Pre-emption

The Senate committee bill currently includes a pre-emption section identical to that included in the bill passed by the House. Specifically, the language would pre-empt states from regulating the performance of automated driving systems (ADS) as well as any "unreasonable restrictions" concerning registration, licensing, driving education and training, insurance, law enforcement, crash investigations, safety and emissions inspections, congestion management of vehicles on the street with in a state or political subdivision of a state, or traffic on the design, construction, or performance of highly automated vehicles or ADS. **NCSL Urges State Legislators to Contact their Congressional Delegations to Voice their Opposition to the Pre-Emption.**

Additionally, the bill would prohibit a state from issuing licenses for a dedicated highly automated vehicle (DHAV), which the bill defines as a level 4 or 5 automated vehicle, in a way that discriminates against those with disabilities.

A full NCSL analysis of the AV START legislation can be read [here](#).

NCSL Contacts: Ben Husch; Kristen Hildreth

A Deeper Dive on Transportation, Energy, Environment and Agriculture Policy

For those looking for a deep dive on federal Transportation, Energy, Environment and Agriculture topics, please check out the September editions of our Natural Resources and Infrastructure Committee's three monthly newsletters:

- Energy & Agriculture Update - latest federal developments influencing agriculture and energy policy
- Environment Update - latest federal developments on environment policy
- Transportation Update - latest federal developments on transportation policy

NCSL Contacts: Ben Husch; Kristen Hildreth

DYK? Russia did not consider beer, or any beverage that contained less than 10 percent alcohol, to be alcoholic until 2011. They previously classified it as a soft drink. The new restrictions were signed off by then President Dmitry Medvedev as part of an attempt to counter alcohol abuse, which he earlier called a "national calamity."

Supreme Court Will Hear Far-Reaching Union Case

The Supreme Court of the United States agreed on Thursday to hear *Janus v. AFSCME*, a case challenging the legality of union fees that could have serious ramifications for public sector unions. The case revolves around Illinois state employee Mark Janus, who contends the requirement that he pay union fees to the American Federation of State, County, and Municipal Employees (AFSCME) violates his free speech rights. The justices considered this issue once before, when the Court took up *Friedrichs v. California Teachers Association* last year. That case was brought by a California teacher, Rebecca Friedrichs, and resulted in a 4-4 deadlock following the death of Justice Antonin Scalia. Should the justices vote the same way, Neil Gorsuch will be in a position to offer the final tie-breaking vote.

NCSL Contacts: Joan Wodiska, Lucia Bragg

Trump Signs Hurricane Relief Legislation for Schools, Issues Hurricane Relief Guidance

The president signed S. 1866 into law on Friday after the bill passed through Congress last week. The bill offers various forms of support for schools and colleges impacted by the recent hurricanes. Specifically, the law:

- Allows the U.S. Department of Education to waive a requirement that higher education institutions contribute matching funds as part of the Federal Work Study and Supplemental Educational Opportunity Grant programs.
- Redistributes the unused funds in those programs to colleges affected by the hurricanes.
- Provides access for private schools to funds available under the Project School Emergency Response to Violence program.

The law comes on the heels of new non-regulatory hurricane relief guidance, issued by the department on Sept. 22. The guidance identifies areas of federal law that are subject to flexibility and waivers for grantees and program participants impacted by natural disasters. The guidance focuses on support and flexibility options available to schools, state educational agencies, state lead agencies, local educational agencies, local early intervention service programs and providers, State Vocational Rehabilitation agencies, the Department of the Interior's Bureau of Indian Education (BIE)-funded schools, Tribes, and postsecondary institutions with a focus on the 2017 hurricanes. The department will hold a webinar discussing the details of the guidance on Thursday, Oct. 5 at 2 p.m. ET. Interested participants may register [here](#).

NCSL Contacts: Joan Wodiska, Lucia Bragg

HHS Secretary Pays Price for Travel

On Friday, Health and Human Services Secretary Tom Price resigned for his use of private charter and military jets to travel around the country at taxpayer expense. Don Wright, a longtime U. S. Health and Human Services (HHS) career employee, doctor and public health expert was named acting HHS secretary Friday following Price's resignation. Soon after Price stepped down, Washington began speculating about possible candidates for his replacement, including:

- Scott Gottlieb, the commissioner of the Food and Drug Administration
- Seema Verma, the administrator of the Centers for Medicare and Medicaid Services
- David Shulkin, the secretary of veterans affairs
- Former Louisiana Governor Bobby Jindal
- Florida Governor Rick Scott

NCSL Contact: Haley Nicholson

Also of Note...

Federal Funding for the Children's Health Insurance Program (CHIP), which covers 9 million children, expired on Sept. 30. If Congress does not act, the Kaiser Family Foundation expects 10 states to run out of money for the program by the end of the year, and 21 states will be out of money by March 2018.

NCSL Contact: Haley Nicholson

The National Flood Insurance Program, a federal program that aims to provide affordable flood insurance to property owners, has depleted its borrowing authority after a series of devastating hurricanes over the past several weeks. The Federal Emergency Management Agency (FEMA), which runs the program, notified Congress on Sept. 20 that it borrowed \$5.8 billion from the Treasury to fund losses this year, including those incurred by Hurricanes Harvey and Irma, and "anticipated programmatic activities." The balance of FEMA's remaining borrowing authority is now zero, according to the agency.

NCSL Contact: Ethan Wilson

Read the Sept. 25, 2017, Capitol-to-Capitol.

If you have comments or suggestions, please contact [Max Behlke](#).

[Read More](#)

Capitol to Capitol is a publication of the National Conference of State Legislatures. NCSL is recognized as a formidable lobbying force in Washington, D.C. NCSL works to protect states from unfunded federal mandates and unwarranted federal pre-emption of state authority, and seeks to provide state legislatures the flexibility they need to innovate and be responsive to the unique needs of their residents. NCSL's advocacy is guided by the [policy directives and resolutions](#) adopted during NCSL's Legislative Summit.



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7700 East First Place, Denver, CO 80230

From: Sarko, Alyssa
Sent: Monday, October 16, 2017 1:48 PM
To: Brubaker, Jack
Subject: FW: Updated Am. Sub. HB 49 Budget Talking Points
Attachments: Am. Sub. HB 49 Budget Talking Points.pdf

See below & attached. Thanks!

Alyssa Sarko

Director of the Speaker's Office
Office of Speaker Clifford A. Rosenberger
77 S. High St., 14th Floor | Columbus, OH 43215
Alyssa.sarko@ohiohouse.gov | 614.466.0536

From: Sarko, Alyssa
Sent: Wednesday, September 13, 2017 4:14 PM
To: Cooper, Drew ; Miner, Bryce
Subject: FW: Updated Am. Sub. HB 49 Budget Talking Points

FYI – you guys should check these out. I like our LA's & CA's to have a copy for review but these are NOT for distribution outside of this office. Thanks!

Alyssa Sarko

Director of the Speaker's Office
Office of Speaker Clifford A. Rosenberger
77 S. High St., 14th Floor | Columbus, OH 43215
Alyssa.sarko@ohiohouse.gov | 614.466.0536

From: Sarko, Alyssa
Sent: Tuesday, July 18, 2017 6:22 PM
To: Kerns, Emily <Emily.Kerns@ohiohouse.gov>; Clegg, Brennan <Brennan.Clegg@ohiohouse.gov>; Webb, Evan <Evan.Webb@ohiohouse.gov>; Phipps, Garret <Garret.Phipps@ohiohouse.gov>; Smith, Dean <Dean.Smith@ohiohouse.gov>; Monhollen, Jacob <Jacob.Monhollen@ohiohouse.gov>; Smith, Jonathan <Jonathan.Smith@ohiohouse.gov>
Subject: FW: Updated Am. Sub. HB 49 Budget Talking Points

Hey Team --

Just want to make sure you all received a copy of the most updated talking points (attached) relating to the budget. These should help you a great deal when responding to constituent calls or emails. I know many of you are taking time off in the near future but

over the next couple weeks I ask that you take time to study this document in detail. If you have any questions, don't hesitate to ask.

Speaker Rosenberger and I appreciate the hard work & dedication you all have put in over the course of the past year, especially the long hours endured during the budget process. **THANK YOU** in advance for your continued commitment to helping the constituents of the 91st House District and for working to uphold the integrity of our caucus as a whole.

Cheers!

Alyssa Sarko

Director of the Speaker's Office
Office of Speaker Clifford A. Rosenberger
77 S. High St., 14th Floor | Columbus, OH 43215
Alyssa.sarko@ohiohouse.gov | 614.466.0536

From: Best, Carolyn

Sent: Tuesday, July 18, 2017 5:28 PM

Subject: Updated Am. Sub. HB 49 Budget Talking Points

Dear House GOP Members and Staff,

Please see attached talking points on the state operating budget, which have been updated with more detailed information compared to the document distributed in caucus. You will also find talking points on the House's veto overrides, and these will continue to be updated depending on Senate consideration.

The House Majority Communications team is prepared to assist you with additional talking points, press releases, columns, social media content and graphics, etc. throughout the summer months. Please feel free to let us know if there is anything we can help you with.

Thank you!

Carolyn Best

Director of Communications
Office of Speaker Clifford A. Rosenberger
Ohio House of Representatives
77 S. High Street, Columbus, Ohio 43215
Office Phone: 614.644.1739
Cell Phone: 740.815.9635

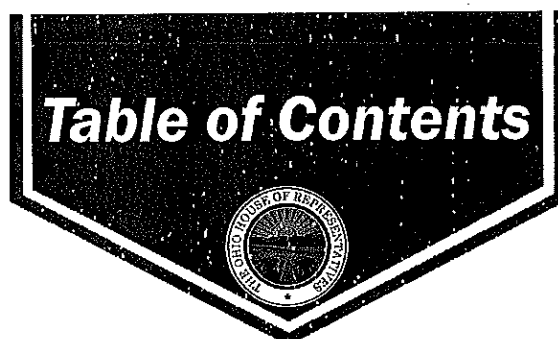


Amended Substitute House Bill 49

Ohio House Republican Talking Points

*A fiscally responsible, balanced budget that
prioritizes Ohio's greatest needs*





Praise for Am. Sub. House Bill 49.	3
Setting the Stage for Am. Sub. House Bill 49.	4
Highlights of Am. Sub. House Bill 49.	5
Combating Ohio's Opioid Epidemic.	6-7
Providing Valuable Resources for Ohio's Schools.	8-9
Continuing Commitment to Decreasing Higher Education Costs.	10
Promoting a Competitive, Predictable & Simplified Tax Structure.	11
Ensuring Quality Health Care.	12-13
Smart on Crime & Providing Pathways to Rehabilitation.	14
Streamlining State Government.	15
Improving Agriculture & Protecting Natural Resources.	16
Supporting Local Governments.	17
Veto Overrides.	18-19



"We appreciate a balanced budget that does not include any new tax increases."

Roger Geiger, National Federation of Independent Business, Ohio

"The final version of the state budget that is heading to Gov. Kasich's desk is one of the best budgets we have seen in a while in Ohio... there was solid spending restraint and efforts to contain Medicaid spending -- the 'Pac-Man' of Ohio's budget. These are all noteworthy accomplishments."

Greg Lawson, Buckeye Institute

"Tuition freeze benefits students and universities...the state-mandated cap has helped both students and universities and should continue for at least two more years...the tuition freeze is a good strategy worth continuing."

Toledo Blade Editorial

"Ohio's House did the right thing Thursday by overturning Gov. John Kasich's veto of a budget amendment written to protect the finances of counties and transit authorities, including the Greater Cleveland Regional Transit Authority. The state Senate would be wise to follow suit."

Cleveland Plain Dealer Editorial

"Ohio's farmers and rural communities will benefit from reforms to the state's farmland tax policy, culminating a three-year effort led by Ohio Farm Bureau. The reforms were included in the new state budget signed by Gov. John Kasich."

Ohio Farm Bureau

"Ohio's leaders understand that treatment works and people recover when they have access to the necessary treatment and recovery support services."

Cheri L. Walter, Ohio Association of County Behavioral Health Authorities

"The budget sends Ohio families a strong message that our elected leaders are committed to empowering parents to choose the learning environment where their children can reach their full potential. We applaud Governor Kasich and the Ohio legislature for their work, and we are grateful this budget recognizes the important role school choice is playing in the lives of thousands of Ohioans."

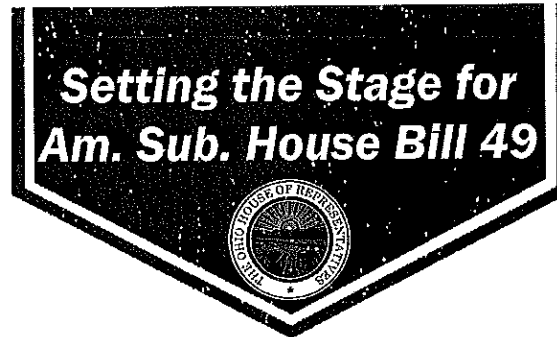
Kaleigh Lemaster, School Choice Ohio

"Pregnancy help centers are essential to building a culture of life here in Ohio because they offer women not only material assistance, but often emotional, medical, and educational support. By providing diapers, formula, cribs, parenting classes, prenatal care, counseling and mentorship, these centers are showing us what it means to care for the whole person and what it really means to be pro-life."

Ohio Right to Life

"For too long the cumbersome process of being required to file in multiple jurisdictions has burdened businesses across Ohio. We believe this proposal is the right step in our state's quest to create a streamlined tax code and spur a positive business climate for employers."

Gordon Gough, Ohio Council of Retail Merchants



No single piece of legislation reflects a caucus' priorities more than the state budget. Under Republican control over the past six years, Ohio has rebounded economically thanks in large part to the kinds of priorities that have been outlined in previous budgets:

- Over \$5 billion in tax relief for families and businesses
- Bolstering the rainy day fund to more than \$2 billion
- More funding for Ohio's schools

That is a far cry from the tax-and-spend largesse of the Democrats who once reigned over state government in Ohio:

- \$8 billion budget deficit
- Unemployment over 9 percent
- 350,000 jobs lost
- Less than a dollar in the rainy day fund

The result? Since 2011, Ohioans have created around 460,000 private-sector jobs and the state's unemployment rate has been cut almost in half.

Underlying any single, specific provision in any of the past three Republican-led budgets, however, is the unwavering commitment to fiscal responsibility. Ohio has the people, resources, talent and work ethic to succeed, innovate and move our state forward. It simply needs a government that is not overly burdensome, leads by example and lives within its means.

Am. Sub. House Bill 49 remains true to these tenets.

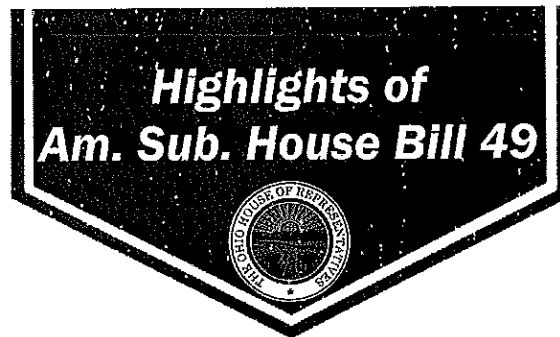
Facing challenges head-on

Over the past year, the amount of tax revenue flowing into the state has been consistently under what was estimated. This situation is not unique to Ohio. About two-thirds of states are facing similar circumstances, as national growth has been lagging for the past year-plus.

This is not a cause for panic, but it cannot be ignored either. As is reflected in Am. Sub. HB 49, House Republicans have addressed this issue head-on and have put forth a balanced budget bill that is *fiscally responsible and that prioritizes Ohio's greatest needs.*

With added focus on restraining spending and protecting essential services, HB 49 has taken significant steps toward addressing Ohio's revenue situation. Among them:

- Roughly 3 percent cuts across-the-board
- All-Funds budget is under inflation for the first time in several years
- House administrative budget cut by 6 percent
- Spending is about \$2.9 billion less than the executive proposal over the biennium



A fiscally responsible budget that prioritizes Ohio's greatest needs

Continuing the Commitment to Fiscal Responsibility

- Restrains All-Funds growth below inflation over the biennium
- Spends \$2.9 billion less than executive proposal over the biennium
- Reduces House administrative budget by 6 percent

Combating Ohio's Opioid Epidemic through Coordinated Care

- Invests \$180 million toward one of our state's most pressing issues
- Takes a multifaceted approach to help people overcome addiction
- Prioritizes prevention, treatment, mental health and workforce reintegration

Providing Valuable Resources for Ohio's Schools

- Ensures that a majority of schools do not lose state funding for FY '18 and FY '19
- Increases per-pupil funding and rewards high-performing educational service centers

Promoting a Competitive, Predictable and Simplified Tax Structure

- Reduces number of tax brackets from nine to seven
- Provides consistency in Ohio's tax structure by ensuring that taxes were not raised
- Modernizes Ohio's CAUV formula through minimal impact to schools and local governments

Expanding Options and Addressing Costs of Higher Education

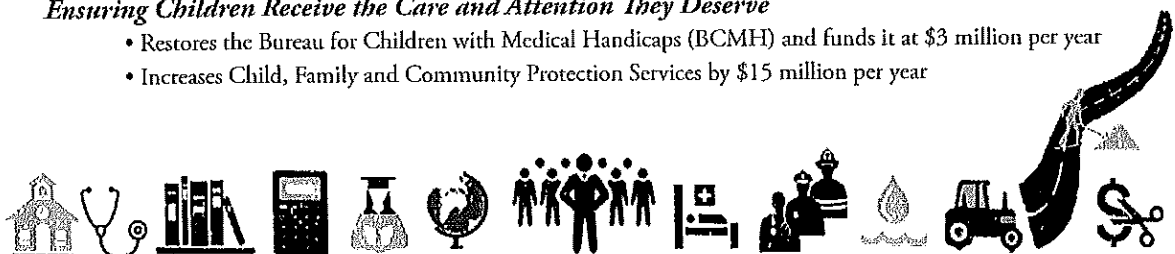
- Provides \$5 million for financial assistance to obtain short-term certificates
- Requires colleges and universities to study their textbook costs
- Includes innovative tuition controls to keep the cost of earning a college degree down

Strengthening Accountability and Transparency in Medicaid

- Emphasizes the importance of restoring oversight of Medicaid program to the General Assembly
- Places guardrails on future Medicaid growth to ensure its long-term solvency

Ensuring Children Receive the Care and Attention They Deserve

- Restores the Bureau for Children with Medical Handicaps (BCMh) and funds it at \$3 million per year
- Increases Child, Family and Community Protection Services by \$15 million per year





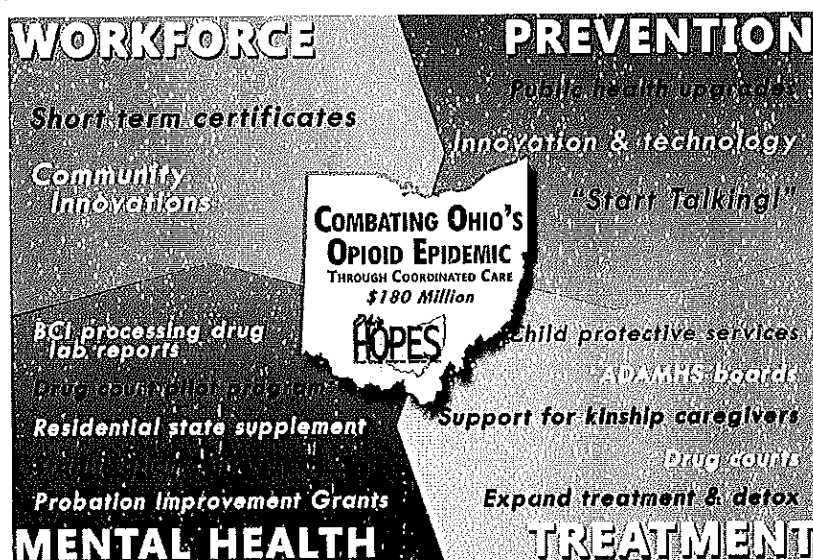
Ohio led the nation in opioid-related overdose deaths in 2015. Although death totals are still being calculated, casualties are expected to be 30 percent higher in 2016. Perhaps no other problem has touched the state so universally and indiscriminately than that of drug addiction, affecting rural, urban and suburban communities alike.

House Republicans remain committed to fighting this terrible scourge, and House Bill 49 takes a bold and aggressive approach to tackling the drug epidemic on multiple fronts.

HOPES (Heroin, Opioids, Prevention, Education and Safety) Agenda

As part of the Buckeye Pathway, the HOPES Agenda is strongly reflected in Am. Sub. HB 49:

HB 49 invests **\$180 million in new money** to fight drug addiction *through coordinated care*, focusing primarily on four key areas: ***Prevention, Treatment, Mental Health and Workforce***. (Note: The items below are not an exhaustive list, but reflect most of the major funding areas and programs. Unless otherwise denoted, all funding numbers below are over the biennium.)



Prevention

- ***Innovation and Technology:*** It is critically important to get the drug-free message out to people of all ages and backgrounds. The "All Roads Lead to Home" initiative includes developing a mobile app to provide resources and information regarding opioid addiction and treatment services, as well as PSAs, a website and a 24-hour hotline
- ***Public Health Upgrades:*** Invests \$8 million in the Ohio Department of Health devoted to improving public health programs and directs \$3.8 million for upgrading the OARRS pharmacy database
- ***"Start Talking!":*** Building off the governor's work on this issue, this is an important branding tool that people can recognize and helps them know where to reach out



Treatment

- ***Child Protective Services (\$30M)***: Having seen an increase of 1,400 new children under counties' care over the past six years, the budget invests funding to provide services for the children of opiate addicts
- ***Kinship Care (\$30M)***: The goal is to attract more kinship families, wherein the children's family members are able to take care of them, not only to ease the burden on the foster care system, but also to help families stay together
- ***Expand Treatment and Detox (\$32M)***: Because too many Ohioans lack access to treatment, this will greatly expand treatment options, as well as reduce waiting times by investing \$20 million in treatment and \$12 million in detox
- ***ADAMHS Boards (\$14M)***: In most counties, ADAMHS boards are on the front lines of this fight, and HB 49 bolsters them with additional resources, including \$75,000 going directly to each county
- ***Drug Courts (\$6M)***: Expands drug courts, which offer courts the discretion to individualize rehabilitation plans

Mental Health

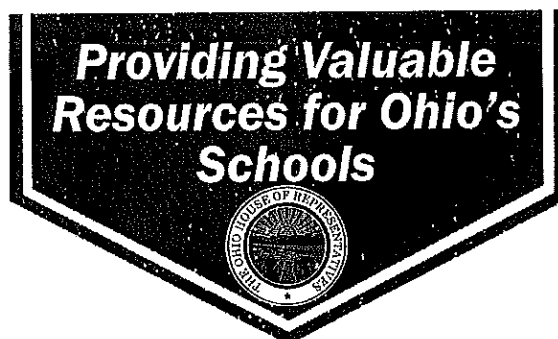
- ***BCI Processing Drug and Forensic Lab Reports (\$4M)***: Drug labs have been overwhelmed; this investment will help them keep up with toxicology reports, etc.
- ***Stabilization Centers (\$3M)***: Ensures Ohioans have access to mental health crisis services
- ***Residential State Supplement (\$2M)***: Provides resources to individuals who have increased needs due to a disability and are living in licensed state facilities
- ***Drug Court Pilot Program (\$1M)***: Like ATP drug courts, this pilot program extends the same concept to mental health (Franklin and Warren)
- ***Probation Improvement and Incentive Grants (\$10M)***: Encourages counties to adopt evidence-based practices for reducing probation violators from going to prison

Workforce

- ***Short-term Certificates (\$5M)***: Once someone receives treatment, it is critical that they take the next step and return to the workforce; these certificates can help expedite that process so that individuals can return to being productive members of society and provide for their families
- ***Community Innovations (\$2 million)***: Reappropriates \$2 million to be used for workforce recruitment and retention, including supporting behavioral health centers in areas of independent licensure, tuition reimbursement and loan repayment

House Republicans know that the solution does not reside solely in government. This requires an all-hands-on-deck approach that many communities are already putting into action. Through the creative provisions in Am. Sub. HB 49, more tools and resources can be utilized at the local level so that people who are ready to seek help can immediately access services and guidance.





Another top priority is ensuring Ohio's schools have the resources they need to provide the kind of education that will produce young adults who are ready to tackle the issues of tomorrow. Furthermore, providing a strong educational base will better equip young people to provide for themselves and their families so that, for example, they do not give in to pressures like drug abuse, which has ravaged our state in recent years.

While House Republicans kept many of the provisions contained in the executive proposal, they did expand resources overall for primary and secondary education funding.

Providing more money to the classroom

- Increases per-pupil funding from \$6,000 to \$6,010
- Increases state foundation funding by \$154M in FY'18 and \$120M in FY'19

Rewarding strong performance

- Provides high-performing ESCs with \$26 per student; other ESCs with \$24 per student
- Re-appropriates millions for high-performing charter schools to address facility needs

Upholding local control

- Removes teacher externship requirement; **some school districts already administer teacher externships, but House Republicans did not believe there was a need to mandate them**
- Removes executive proposal measure to require three non-voting members of the business community to sit on school boards; **House Republicans agree it is important for students to be educated in a manner that reflects the real-world needs of the workforce, but it can be done through other ways**

Supporting career technical education

- Increases funding for Career Technical Education Enhancements by \$128,500 in FY'18
- Ensures that the OhioMeansJobs website will continue to provide individuals with the opportunity to seek out employment in Ohio
- Provides the Ohio ProStart school restaurant program with \$100,000

“House Republicans expanded resources overall for primary and secondary education funding.”



Preparing Students to Enter Ohio's Workforce

- Develops a Regional Workforce Collaboration Model to provide career services to students and requires Ohio to comply with the federal Workforce Innovation and Opportunity Act
- Creates a Workforce Supply Tool that provides information regarding in-demand jobs
- Promotes the use of public libraries as "continuous learning centers" to serve as hubs for information about local in-demand jobs and relevant education and job training resources
- Increases the OhioMeansJobs Revolving Loan Fund maximum award amount from \$100,000 to \$250,000 (per workforce program, per year)
- Establishes standards, accountability, and reporting requirements for Business Advisory Councils for school district boards of education

Summer Food Service Program

- Requires that if a school provides summer academic intervention services and opts out of offering summer food services in a school in which at least half of the students are eligible for free lunches, then the school must allow an approved summer food service program sponsor to use the school's facilities, ensuring that hungry students receive meals during the summer when school is not in session

Driver Education

- Directs that driver education courses include instruction on driving when impaired, the science of addiction and the effects of psychoactive substances while driving

Transportation Services

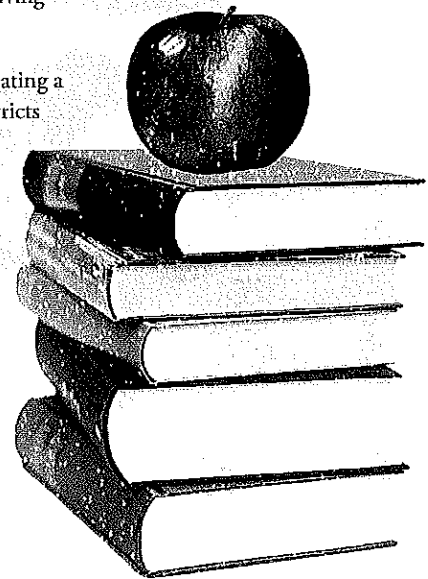
- Orders JEOC to develop legislative recommendations for creating a Joint Transportation Pilot Program in which at least two districts share transportation services

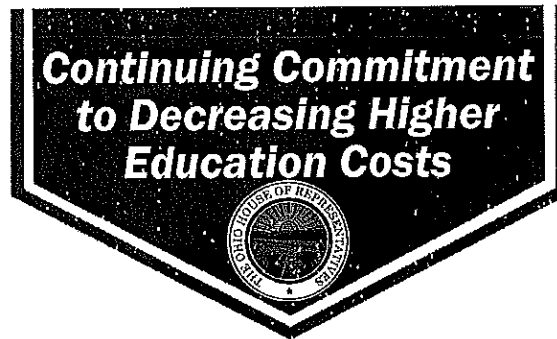
Study of Local Revenue Losses

- Requires the Ohio Department of Education to annually recommend to the General Assembly a structure to compensate schools experiencing at least a 50 percent decrease in public utility personal property valuation from one year to the next for a percentage of the effect that decrease has on the district's foundation aid payment

Reducing Testing

- Decreases the stress of over-testing by eliminating fourth and sixth grade state achievement tests for social studies





Am. Sub. House Bill 49 continues to prioritize making the attainment of a college degree more cost-effective through various reform efforts.

Tuition Controls that Help Ohio's Students

- Includes innovative tuition controls to keep the cost of earning a college degree down
- Continues the tuition freeze for undergraduates at universities and ensures that most fees are frozen, providing a more affordable college education for students
- \$5 million investment for short-term certificates for in-demand jobs
 - An effort to reach folks who need certification, but also helps them quickly get up and out so they are able to support themselves

Addresses the Cost of College Textbooks

- Requires colleges and universities to study their textbook costs annually and report these costs to the Chancellor
 - Requires colleges and universities to adopt a textbook selection policy for faculty to use when assigning textbooks
 - Works to lessen financial burden placed on college students

Helps Ohio's Various Community Colleges

- Allows them to offer an applied bachelor's degree if the degree is not offered by a public or private university within the state
- Provides flexibility by allowing a \$10 per credit increase in tuition for the 2018-2019 school year

Works to Improve the College Credit Plus Program

- Mandates that the Chancellor study outcomes of the CCP program

Provides for Additional Changes in an Effort to Limit Costs to the Student

- Requires the Chancellor to investigate fees charged by colleges and universities

Connecting Students with their Elected Officials

- \$5 million appropriated for The Ohio State University to facilitate the State of Ohio Leadership Institute (SOLI), which will provide instruction to state and local officials on various topics related to state government
- Gives students access to elected officials through the John Glenn College of Public Affairs



House Republicans believe in a tax code that allows people to keep more of their hard-earned money and attracts entrepreneurs to create businesses in our state, all while maintaining the resources necessary to fund essential services. Although under different economic circumstances than the previous three Republican-led budget bills, Am. Sub. House Bill 49 upholds those same principles.

Eliminating Tax-Shifting

- Am. Sub. HB 49 removes all executive tax proposals which balanced reductions in income tax with nearly equal combined increases in the sales, severance, tobacco and vapor, and commercial activity taxes
- After accounting for the revenue situation, House Republicans determined that keeping the current tax structure the same was the best path forward for Ohio's growth
- The business community expressed appreciation for the progress made in recent years and applauded the stability and predictability outlined in this budget

Simplifying the Tax Code

- Am. Sub. House Bill 49 reduces the number of tax brackets in Ohio from nine to seven
 - New lowest bracket begins at \$10,500 at \$77.96 + 1.98%
- Removes the executive provision requiring businesses to file income taxes through the state and pay a fee
 - Requires commissioner to distribute municipal income taxes monthly

Modernizing CAUV (Current Agricultural Use Value)

Ohio's agriculture community has been experiencing property values increasing by upwards of 300 percent in recent years, while farm income is at its second-lowest level since the 1920s. *Through various reforms to be phased in over a six-year period, House Republicans aim to offer property tax relief for farmers by reducing the taxable value of farmland.*

The way CAUV is currently calculated does not accurately reflect today's farm economy. HB 49 proposes using an equity rate that judges farm economy based on information disseminated from the USDA. This new formula will change the capitalization rate, lower property values and give farmers more dispensation upon a true value of agricultural use, *while having minimal impact on Ohio's schools and local governments.*

Job Creation Tax Credit

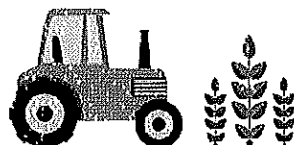
- Authorizes the job creation tax credit to count employees who work from home in the job creation totals

Back-to-School Sales Tax Holiday

- Provides for a continuation of Ohio's sales tax holiday during the first weekend of August in 2018, helping families save money during the busy "back-to-school" time

Motion Picture Tax Credit

- Requires a project to have 50% of its financing to be eligible for the Motion Picture Tax Credit; prioritizes television or miniseries projects
- This industry continues to be a boon to Ohio's economy, creating jobs and promoting workforce development





Making sure that Ohio's health care system is accessible and affordable is a priority for the caucus. Among the components necessary for establishing and maintaining top-notch health care in the state is to have in place strict guardrails that demand transparency and accountability. Through a series of provisions, Am. Sub. HB 49 continues this commitment to common-sense policy.

Strengthening Accountability in Medicaid

About 3 million Ohioans are covered by Medicaid, and since its inception, the program has become a larger portion of the state budget. *The caucus' goal is to find ways to ensure the program is effective for the people who need it, while also making it efficient and sustainable.*

Am. Sub. HB 49 takes a firm approach when it comes to increasing accountability measures for the Medicaid Group VIII population, remaining true to the goal of providing people the assistance they need while taking steps to help them live independent, productive lives.

The bill also places guardrails on future Medicaid Group VIII spending through the Controlling Board. HB 49 takes the state share funding portion and transfers it into the Health and Human Services Fund. Upon request from the Medicaid Director, the Controlling Board has the authority to release funds. *This provision was included in Governor Kasich's vetoes. The House voted to override this veto and now waits for Senate consideration.*

Returning Medicaid Oversight to the General Assembly

- The Medicaid Group VIII requirements outlined in the House-passed budget are still in place
 - Am. Sub. HB 49 directs the Department of Medicaid to seek a federal waiver to require a Group VIII Medicaid recipient to be one of the following: at least 55, medically fragile, employed, in an education or workforce training program, or in a recovery program
- Prohibits the Department of Medicaid from increasing provider rates, rolling new populations into managed care, or expanding eligibility without approval from the Joint Medicaid Oversight Committee (JMOC)
 - *This provision was included in Governor Kasich's vetoes. The House voted to override this veto and now waits for Senate consideration.*
- Prohibits nursing facilities and home- and community-based waiver services from being added to Medicaid managed care
 - *This provision was included in Governor Kasich's vetoes. The House voted to override this veto and now waits for Senate consideration.*
- Requires a study committee to review and submit a report by Dec 31, 2018; does not apply to MyCare Ohio program

These reforms are intended to implement more comprehensive checks and balances within Ohio's Medicaid system. Establishing greater oversight will better equip the state for handling costs and enrollment in this important program.

For information about Medicaid eligibility requirements for expansion groups, see Veto Overrides on page 19.



Ensuring Children Receive the Care and Attention They Deserve

- Restores the Bureau for Children with Medical Handicaps (BCMh) program and funds it at \$3 million per year; BCMh links families of children with special healthcare needs, like cystic fibrosis, to healthcare providers and assists families with medical payments
- Provides the Adaptive Sports Program with \$50,000 per year
- Increases Child, Family and Community Protection Services by \$15 million per year

“In terms of compassion, I believe that you really want to help those who are, not only less fortunate, but who are innocent victims of disease that need a hand up so they can have the same opportunities as everyone else. ”

Former NFL Quarterback Boomer Esiason on BCMh funding





House Republicans understand that criminal justice policies should be crafted based on keeping our streets safe, while providing avenues to rehabilitate offenders so they can return to being productive members of society. *Several provisions in Am. Sub. House Bill 49 move Ohio closer to accomplishing these goals.*

Ensuring Prison is Reserved for the Most Violent Offenders

- “Targeted Community Alternative to Prison” (TCAP): a pilot project in eight counties that is intended to treat low level offenders within the community by supplementing supervision resources to the local courts
 - Seeks to avoid lifetime consequences of incarcerating low-level non-violent offenders alongside the most violent offenders, while providing counties with resources they need to focus on rehabilitation and public safety
- Am. Sub. HB 49 expands TCAP by making it mandatory for the 10 largest counties and optional for every other county
- Under the program, a judge cannot send a person to prison for an F5 offense that is not a violent, sexual, or drug trafficking offense and the offender has not previously been convicted of felony offenses of violence or sex
- Participating counties will receive grants supporting programs that are alternative to incarceration

Focusing Probation on Rehabilitation

- While Ohio has one of the lowest recidivism rates, it has one of the highest probation violation rates
- Recognizing that there is a difference between probation violations that indicate the offender belongs in prison and violations that indicate the terms of probation are a barrier to rehabilitation, Am. Sub. HB 49 limits the amount of time a person on probation can be sent to prison for violating a term of probation that is not a prison eligible offense

Incentivizing Rehabilitation

- Allows for certain offenders to receive credit of 90 days or 10% of their sentence (whichever is less) if they complete any of the following while in prison:
 - Ohio High School diploma or equivalence certified by the state
 - Drug treatment program
 - College certification program
 - A certificate of achievement or employability
- Expands the availability and effectiveness of the Certificate of Qualification for Employment program so that persons with criminal records can obtain a certificate offering employers protections against negligent hiring liability, increasing the person's likelihood of employment

Directing Additional Resources to the Local Level

- Increases funding for Indigent Defense by \$7.1 million in FY'18 and \$7.9 million in FY'19
- Permits a sheriff to use commissary profits for technology to keep contraband out of jails



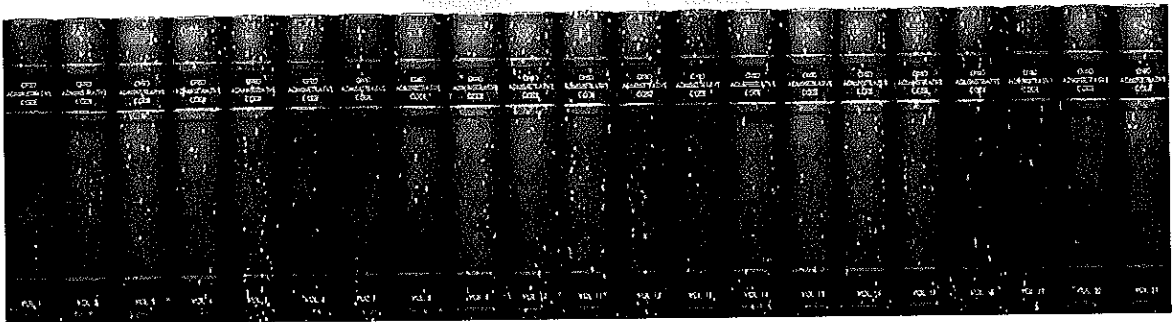


In an effort to streamline state government agencies and to eliminate further barriers to certification for various professions, House Republicans prioritized the consolidation of certain boards and commissions in the state operating budget.

- Optometry + Optical Dispensers Board = *Vision Professionals Board*
- Ohio Board of Speech-Language Pathology & Audiology + Hearing Aid Dealers & Fitters Licensing Board = *Hearing Professionals Board*
- Barber Board + Cosmetology Board = *The Cosmetology and Barber Board*
- Eliminates the requirement that individuals who practice orthotics, prosthetics or pedorthics be licensed and dissolves the board
- Abolishes the Constitutional Modernization Commission

Also part of Am. Sub. House Bill 49 are provisions aimed at protecting taxpayer dollars in relation to advertising campaigns

- The bill requires any advertising purchase by any official elected to statewide office or member of the General Assembly that is more than \$50,000 in public money to receive approval by the Controlling Board





The caucus remains committed to protecting Ohio's rich natural resources while also nurturing our vital agricultural industry, which is an economic asset for the state.

- ***Helps residents in the Buckeye Lake area:*** Reduces the criterion for a Lakes in Economic Distress loan applicant from 40 percent loss to a 10 percent loss
- Continues the requirement that 14 percent of the Oil and Gas Fund be used to plug orphan wells
- Gives authority to the legislature for appointing members to the Oil & Gas Leasing Commission, rather than the governor (**as included in veto override vote, see page 19*)
- Requires the Chief of the Division of Mineral Resources Management to conduct a minimum of two safety inspections of a surface mining operation the year following an inspection by the US Department of Labor that found three or more violations per day
- Initiates the Ohio Soybean Marketing Program





In a tight budget cycle, House Republicans remain committed to supporting Ohio's local governments in every way they can. As our cities and counties continue to fight on the front lines against the heroin and opioid addiction crisis, they are in need of specific funds directed towards combating the issue.

Local Government Fund (LGF)

Am. Sub. House Bill 49 retains the rate of the Local Government Fund at 1.66 percent of general revenue.

A portion of the LGF that is distributed to municipalities that levy an income tax is redirected to a new fund, the Targeting Addiction Assistance Fund, under the legislation, to be used as follows:

- \$1 million to the Ohio Department of Health (ODH) to reimburse county coroners that perform toxicology screenings on victims of drug overdose
- \$10 million to the Ohio Department of Rehabilitation and Correction (DRC) to provide Probation Improvement and Incentive Grants to municipalities with an emphasis on providing addiction services
- \$6 million to the Ohio Department of Mental Health and Addiction Services (MHAS) to provide to local boards of alcohol, drug addiction, and mental health services to administer substance abuse stabilization centers
- \$150,000 to the Ohio Department of Jobs and Family Services (JFS) for children's crisis care centers
- \$500,000 to the Ohio Department of Medicaid (ODM), in consultation with JFS and ODH, for a pilot program to treat newborns with neonatal abstinence syndrome

Managed Care Organizations – Franchise Fee (see page 19 for more details)

Under the budget bill, Medicaid managed care organizations (MCOs) would be subject to a franchise fee, replacing a state and local sales tax on services rendered by Medicaid MCOs. In 2014, the state of Ohio was advised by the federal government that applying this sales tax was no longer permissible under federal law and that Ohio must comply by the end of June 2017. *This provision was included in Governor Kasich's vetoes. The House voted to override this veto and now waits for Senate consideration.*

- The additional funds raised will be distributed to each county and transit authority that experiences reduced sales tax revenues due to the cessation of the sales tax on Medicaid MCOs
- The franchise fee sunsets in six years, matching the six years over which the sales tax was collected
- The Director of the Department of Medicaid must see federal approval to increase this fee, which has the potential of raising up to an additional \$207 million each fiscal year for local entities through 2024

Public Library Fund

- Increases library funding by providing 1.68% of the total tax revenue credited to the General Revenue Fund to the Public Library Fund each month during fiscal years 2018 and 2019





Governor Kasich vetoed 47 provisions in the legislature's state budget proposal. On July 6, 2017, the Ohio House voted to override 11 of those 47 vetoes, which is a natural part of the government's checks-and-balances process.

Those actions were a decision to return various provisions of the state operating budget to what the legislature intended. It was the first time in exactly 40 years (July 6, 1977) that a legislative body voted to override multiple vetoes in a state budget bill.

All remaining vetoes were left open for consideration by the caucus and can be brought up for an override vote at any time until December 31, 2018—the final day of the 132nd General Assembly.

In no way does the decision to override the Governor's vetoes reflect personal motivations or animosities, but it simply is based on a difference in policy opinions that our caucus believes are best for Ohio's future.

This process is not about winning or losing, nor about one side taking credit over another. It is about addressing differences head-on and advancing policies that will be best for all Ohioans.

The following is a list of the House's overrides. (Item numbers correspond to the governor's veto message).

Item 3: Controlling Board authority

- Limits the Controlling Board's authority when determining appropriation adjustments and creating new funds
- House's override restores necessary authority to the legislature

Item 23: Medicaid coverage of optional eligibility groups

- Allows the Ohio Department of Medicaid to cover new, optional groups only when permitted by statute
- Restores greater authority to the General Assembly over the Medicaid program
- Override is necessary to deal with a Medicaid block grant program, which could soon be administered by the federal government

Item 25: Legislative oversight of rules increasing Medicaid rates

- Requires the Ohio Department of Medicaid to submit proposals for rate increases to the Joint Medicaid Oversight Committee
- Gives JMOC and the General Assembly the ability to prohibit rate increases

Item 26: Medicaid rates for neonatal and newborn services

- Requires the Ohio Department of Medicaid to set neonatal and newborn services rates at 75 percent of Medicare

Item 27: Medicaid rates for nursing facilities

- Changes the formula used to determine Medicaid payment rates for nursing facility services
- Override helps these facilities avoid a \$237 million cut to their reimbursement rates
- Vote to override was unanimous (96-0)

Item 30: Long-term services added to Medicaid managed care

- Prohibits long-term services from being added to Medicaid managed care unless approved by the General Assembly
- Important for legislature consisting of elected representatives to retain authority to determine how well people are being cared for



Item 31: Behavioral health redesign

- Requires the Ohio Department of Medicaid to delay implementation of the behavioral health redesign into managed care until July 1, 2018
- The delay is important to avoid significant problems for the state's behavioral health providers, many of which are smaller providers in rural and urban communities

Item 33: Health insuring corporation franchise fee

- Requires the Ohio Department of Medicaid to ask the U.S. Centers for Medicare and Medicaid Services (CMS) for an increase in the health insuring corporation franchise fee that has already been approved
- Additional funds will go to counties and transit authorities
- Without override, counties and transit authorities across the state would lose all replacement revenue for managed care sales tax revenue
- It is a partial replacement; not a tax increase
- Temporary for six years and subject to CMS approval

Item 34: Controlling Board authorization regarding Medicaid expenditures

- Restricts the Controlling Board from releasing funds if Congress amends federal law regarding medical assistance that reduces the percentage

Item 36: Waiver regarding Healthy Ohio program

- Requires the Ohio Department of Medicaid to request a waiver from CMS to implement the Healthy Ohio program

Item 37: Oil and Gas Leasing Commission Appointments

- Transfers appointment authority for members of the Ohio Oil and Gas Leasing Commission from the governor to the General Assembly
- The Oil and Gas Leasing Commission was passed and signed into law in 2011
- Despite signing the bill, the Governor has not appointed members to the commission in the six years since enactment
- Override gives the legislature the authority to fill the commission, seeing as the lack of one hindered oil and gas development in the state

**** On Item 28: Medicaid eligibility requirements for expansion group ****

- The conference report that was approved by the House and Senate included a provision seeking a waiver through the Centers for Medicare and Medicaid Services (CMS) to prohibit the enrollment of new individuals into the Medicaid Group VIII expansion population, with exceptions for the mentally ill and drug-addicted
- Governor Kasich vetoed the proposal
- The House did not vote to override the Governor's veto on July 6
 - Largely citing uncertainty in Washington D.C. and the potential for Congress to make significant changes regarding Medicaid expansion
- Because the legislature has until the end of 2018 to take up a veto override, the caucus felt it was appropriate to wait to see if the federal government provides further guidance
- But, like all other vetoes, Item 28 remains open for consideration and could come up for an override in the future



From: Rep91
Sent: Monday, October 23, 2017 10:55 AM
To: Kerns, Emily
Subject: FW: ALEC - Be the first to hear!

From: Courtney Cook [mailto:CCook@alec.org]
Sent: Saturday, September 16, 2017 10:43 AM
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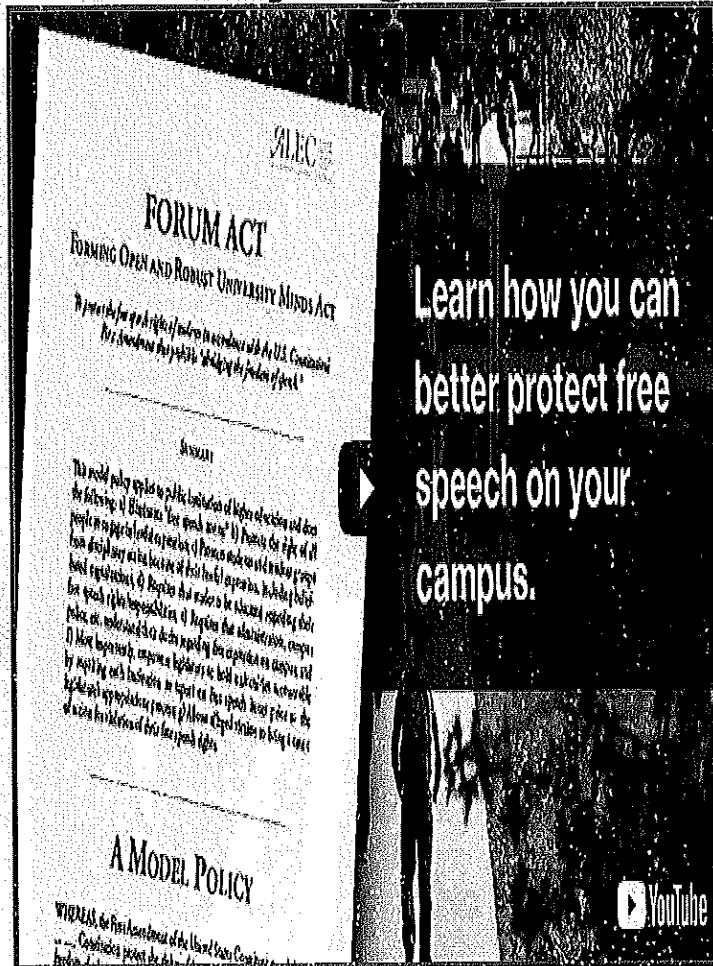
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FORMING OPEN AND ROBUST UNIVERSITY MINDS ACT

"To preserve the free and robust rights of freedom of expression and the U.S. Constitution's First Amendment that protect the freedom of speech."

Summary

This model policy applies to public institutions of higher education and does not infringe on the First Amendment. The speech is not "to" or "for" the institution, but rather, it is the institution's responsibility to protect the rights of all people to participate in the marketplace of ideas. The policy is designed to protect the rights of all people to participate in the marketplace of ideas, including the right to free speech, and to ensure that the institution's policies do not infringe on the rights of all people to participate in the marketplace of ideas. The policy is designed to protect the rights of all people to participate in the marketplace of ideas, including the right to free speech, and to ensure that the institution's policies do not infringe on the rights of all people to participate in the marketplace of ideas.

A MODEL POLICY

WHEREAS, the First Amendment of the United States Constitution guarantees the right of free speech, and

CONSIDERING that the First Amendment of the United States Constitution guarantees the right of free speech, and

▶ Learn how you can better protect free speech on your campus.

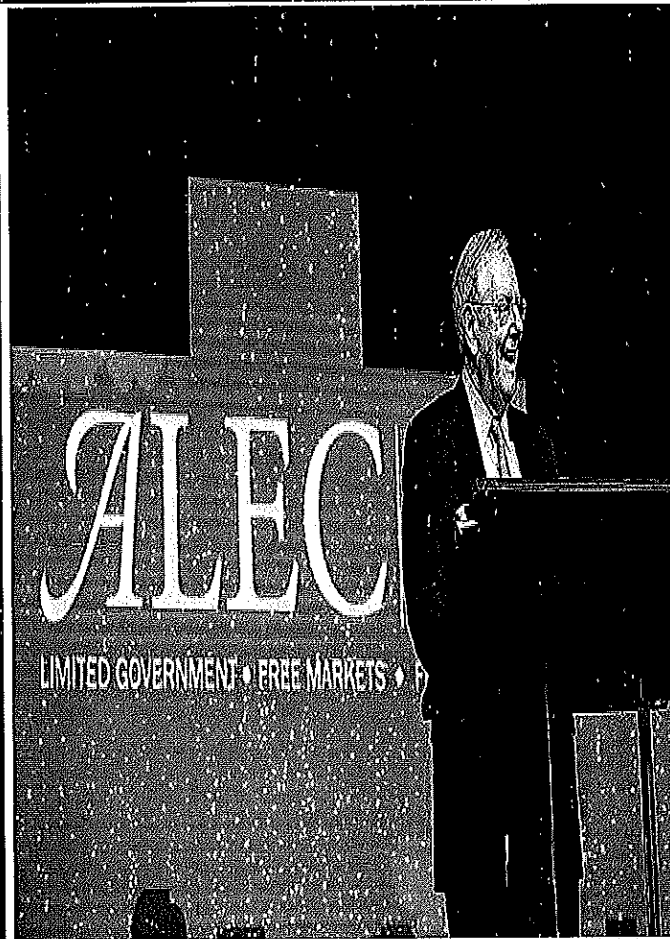
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Shelby Emmett, Director of the ALEC Center to Protect Free Speech will be discussing issues around free speech at our upcoming States & Nation Policy Summit. Register today to be a part of the the discussion on the FORUM Act and what it means for University's in your state.

Invited Speakers Include...



A Tennessee Welcome from Senator Alexander, Senator Corker, Representative Black and Representative Blackburn

Secretary Tom Price

Administrator Scott Pruitt

A panel presentation from Mr. Steve Forbes, Mr. Steve Moore, Dr. Art Laffer and Mr. Larry Kudlow

Agenda at a Glance

Visit the online agenda for more information!

Tuesday

- Registration
- Exhibitor Set-up

Wednesday

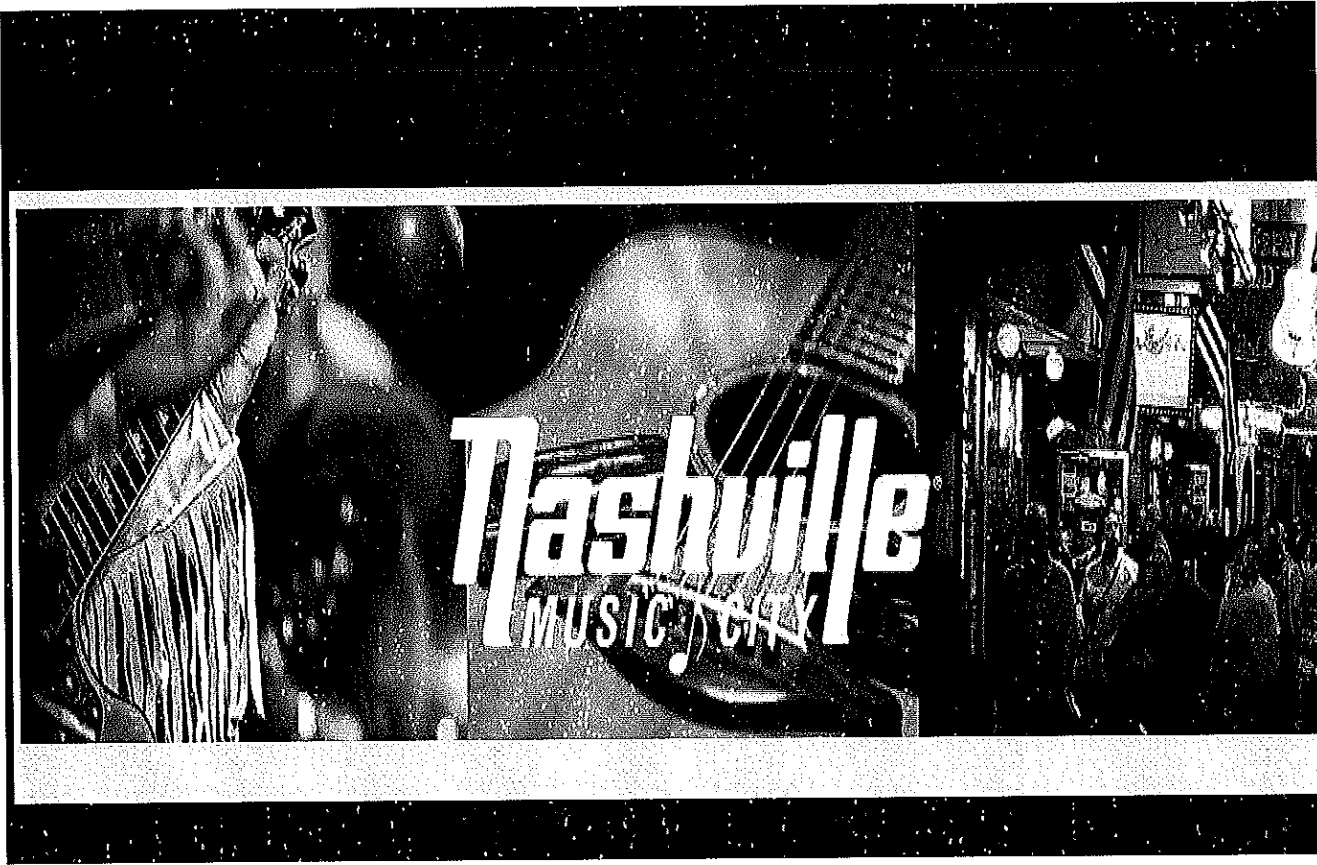
- Registration
- Exhibit Hall
- = 2 Subcommittee Meetings
- Legislative Staff Fellowship
- Training
- **Opening Lunch**
- Workshops
- Chair's Reception
- Welcome Reception

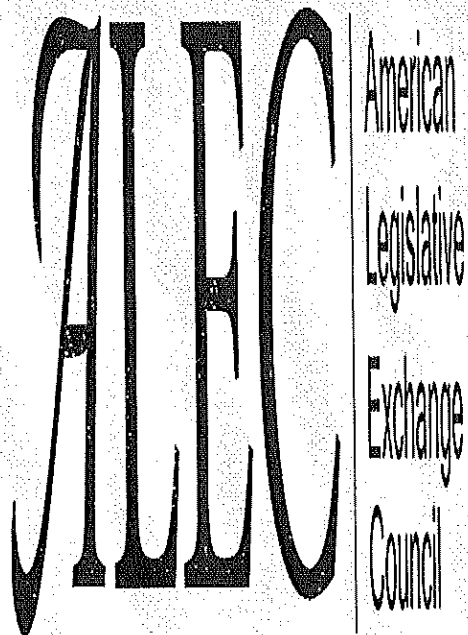
Thursday

- Registration
- **Breakfast**
- Exhibit Hall
- Training
- Legislative Staff Fellowship
- Workshops
- **Lunch**
- Task Force Meetings
- Task Force Receptions
- Jefferson Awards Reception and Dinner (**Invitation Only**)

Friday

- Registration
- $\frac{1}{2}$ 7 **Breakfast**
- Exhibit Hall
- Training
- Legislative Staff Fellowship
- Workshops
- **Lunch**
- Task Force Meeting
- Task Force Reception
- State Night (**Contact your State Chair for more Information**)





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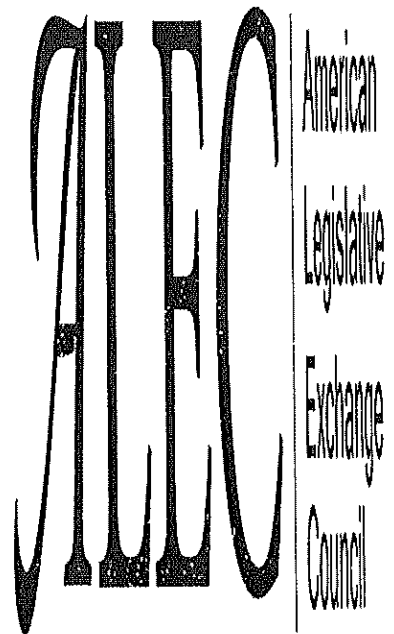
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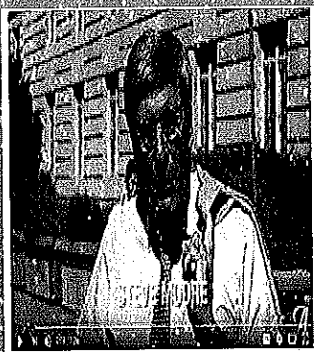




Senator Mark Green
2017 States and Nation Policy Summit

December 6 - 8, 2017

Senator Mark Green of Tennessee will welcome attendees to the ALEC 2017 States and Nation Policy and Music City at the Opening Lunch session on Wednesday, December 6, 2017. Keep your playlist going and join us for the Tennessee Welcome reception that evening!

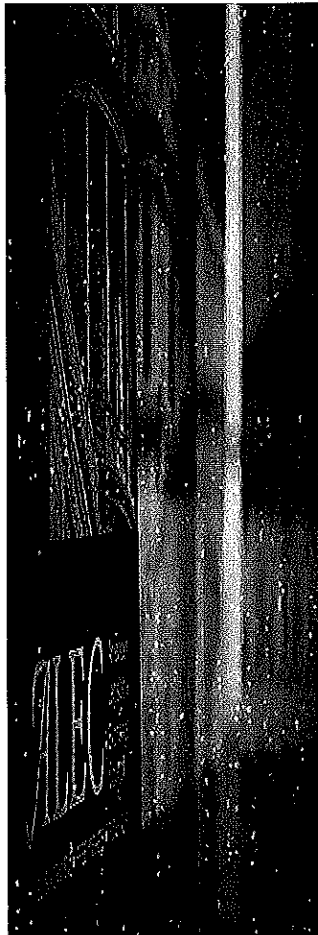


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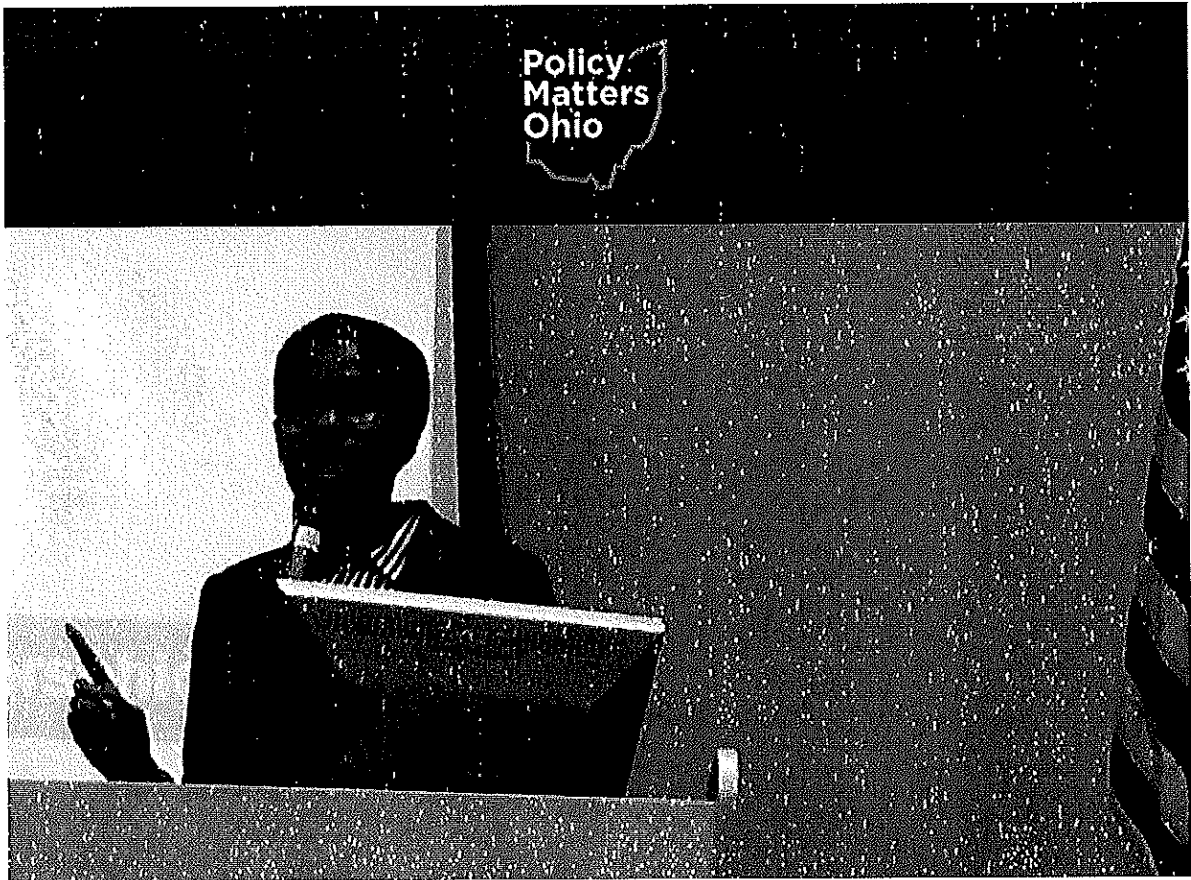
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To: Sarko, Alyssa
Subject: News from Policy Matters: Deforming the tax code

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The latest news from Policy Matters

Tax (de)form moves forward: President Trump and Congressional Republicans are selling us a bill of goods – claiming their plan to overhaul the tax code will spur economic growth and help the middle class. But their plan skews heavily to the wealthy and corporations and paves the way for the slashing of important programs like food aid, Pell Grants and Medicaid. And deductions you might depend on, like the State and Local Income Tax (SALT) are at risk. That's not reforming the tax code, that's deforming it. Our Wendy Patton explained how the plan would hurt most everyday Ohioans. The process isn't over yet, Republicans say they want their \$1.5 trillion tax cut passed by December. There's still time to call or email your members of Congress and voice your displeasure.

Eye on Columbus: With so much happening in Washington, D.C. it can be easy to forget that lawmakers in Columbus are also making decisions that affect our lives. But Research Director Zach Schiller never forgets, and he's been carefully scrutinizing bills that would further benefit the wealthy at the expense of the rest of us. This week Zach submitted testimony about residency requirements that allow "Florida snowbirds" to avoid paying income tax. He called on legislators to change the law so that anyone living in Ohio 183 days or more pays income tax. Zach also testified against a bill that would expand the "passthrough tax loophole" that costs Ohio \$1 billion a year without spurring job creation. Finally, Zach continues to bang the drum on unemployment compensation reform – pushing for a bill that works for workers.

Budget Bites: Over the last two weeks we took a hard look at Ohio's 2018-2019 budget. We applauded lawmakers for the concerted and coordinated efforts they made to steer more resources to stem the drug crisis. They increased funding for the department of mental health and addiction services by 16.4 percent and funding for children's services by 36.8 percent. Other protective services for adults and seniors didn't fare as well. Alternatives to incarceration received more funding in the state budget. Community-based correctional services that include drug treatment and rehabilitation went up by 10 percent. But Medicaid, one of Ohio's most important tools in providing access to treatment for people struggling with addiction, faces several threats, such as a potential freeze on enrollment for Medicaid expansion, work requirements and new premiums for enrollees. Part of the problem with Ohio's response to the drug crisis is that it doesn't provide much new revenue to address it. Instead it diverts money from other sources such as the Local Government Fund. Local Governments also lose out in this budget due to changes in the state tax base, as do public transit agencies. Together, they will lose nearly \$200 million a year after the budget period ends.

Out and about: Executive Director Amy Hanauer faced off against “So Called Right to Work” supporters at the Ohio Economic Development Forum. She also moderated a panel on race and class at the Economic Analysis and Research Network Conference in Arizona. Wendy joined others for a [panel on the state’s response to the drug epidemic](#) at a forum hosted by Ohio District 15 Indivisible. Victoria Jackson (pictured above) gave the keynote address at Eastern Ohio Education Partnership’s 2017 Excellence in Education Awards.

Coming up: On November 3, Amy will join other experts for a City Club discussion of former Cleveland Mayor Carl B. Stokes’ policy legacy. [Be sure to register.](#) Researchers Victoria Jackson and Michael Shields will be featured speakers at the 2nd Annual Ohio Urban Resources System Conference on November 2 and 3 in Columbus. [Register here.](#)

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Cleveland Office

[3631 Perkins Avenue - Suite 4C-East](#)

[Cleveland, OH 44114](#)

Phone: (216) 361-9801

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From: Rep32

Sent: Tuesday, October 31, 2017 1:50 PM

Subject: Cosponsor request: Expediting the Transfer of Student Records

Attachments: Legislation - Expediting the Transfer of Student Records.pdf



MEMORANDUM

From: State Representatives Catherine D. Ingram
Date: Tuesday, October 31st, 2017
RE: Cosponsor request: Expediting the Transfer of Student Records

I will soon be introducing legislation that clarifies and codifies a requirement for the timely transfer of a student's records between schools when a student transfers from one school to another. Under this legislation, that timeframe will be within five business days.

Under current Ohio law, there is no timeframe for a school to follow when a request is made—usually by the parent of a student—to transfer that student's records from the school the student is departing to the school the student is enrolling.

While most transfers of student records are done in a timely and efficient manner, that is not always the case, and there is no legal mechanism to enforce timely transfers.

This is commonsense, nonpartisan legislation that impacts and treats all schools—public, private, or charter—equally. All schools will be required to transfer student records in this timely manner.

If you would like to cosponsor this legislation or have any questions, please contact Christopher Dalton at christopher.dalton@ohiohouse.gov or (614) 466-1645 by **COB on Wednesday, November 8th, 2017.**

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Catherine D. Ingram", is written over a horizontal line.

Catherine D. Ingram
State Representative
Ohio House District 32

Reviewed As To Form By
Legislative Service Commission

I_132_1870

132nd General Assembly
Regular Session
2017-2018

. B. No.

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and
to enact section 3319.324 of the Revised Code to
require a public or chartered nonpublic school
to transmit a student's records within five
business days when the student transfers to
another school.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3314.03, 3326.11, and 3328.24 be
amended and section 3319.324 of the Revised Code be enacted to
read as follows:

Sec. 3314.03. A copy of every contract entered into under
this section shall be filed with the superintendent of public
instruction. The department of education shall make available on
its web site a copy of every approved, executed contract filed
with the superintendent under this section.

(A) Each contract entered into between a sponsor and the
governing authority of a community school shall specify the
following:



4jc8mvybwujyg4zosnsbxc

(1) That the school shall be established as either of the following:	18 19
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	20 21 22
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	23 24
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	25 26 27 28
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	29 30 31 32
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	33 34 35 36
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	37 38 39
(6) (a) Dismissal procedures;	40
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the	41 42 43 44 45

student. 46

(7) The ways by which the school will achieve racial and 47
ethnic balance reflective of the community it serves; 48

(8) Requirements for financial audits by the auditor of 49
state. The contract shall require financial records of the 50
school to be maintained in the same manner as are financial 51
records of school districts, pursuant to rules of the auditor of 52
state. Audits shall be conducted in accordance with section 53
117.10 of the Revised Code. 54

(9) An addendum to the contract outlining the facilities 55
to be used that contains at least the following information: 56

(a) A detailed description of each facility used for 57
instructional purposes; 58

(b) The annual costs associated with leasing each facility 59
that are paid by or on behalf of the school; 60

(c) The annual mortgage principal and interest payments 61
that are paid by the school; 62

(d) The name of the lender or landlord, identified as 63
such, and the lender's or landlord's relationship to the 64
operator, if any. 65

(10) Qualifications of teachers, including a requirement 66
that the school's classroom teachers be licensed in accordance 67
with sections 3319.22 to 3319.31 of the Revised Code, except 68
that a community school may engage noncertificated persons to 69
teach up to twelve hours per week pursuant to section 3319.301 70
of the Revised Code. 71

(11) That the school will comply with the following 72
requirements: 73

(a) The school will provide learning opportunities to a	74
minimum of twenty-five students for a minimum of nine hundred	75
twenty hours per school year.	76
(b) The governing authority will purchase liability	77
insurance, or otherwise provide for the potential liability of	78
the school.	79
(c) The school will be nonsectarian in its programs,	80
admission policies, employment practices, and all other	81
operations, and will not be operated by a sectarian school or	82
religious institution.	83
(d) The school will comply with sections 9.90, 9.91,	84
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	85
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472,	86
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609,	87
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643,	88
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666,	89
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673,	90
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112,	91
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86,	92
3313.89, 3313.96, 3319.073, 3319.321, <u>3319.324</u> , 3319.39,	93
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14,	94
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52,	95
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742.,	96
4112., 4123., 4141., and 4167. of the Revised Code as if it were	97
a school district and will comply with section 3301.0714 of the	98
Revised Code in the manner specified in section 3314.17 of the	99
Revised Code.	100
(e) The school shall comply with Chapter 102. and section	101
2921.42 of the Revised Code.	102

(f) The school will comply with sections 3313.61, 103
3313.611, and 3313.614 of the Revised Code, except that for 104
students who enter ninth grade for the first time before July 1, 105
2010, the requirement in sections 3313.61 and 3313.611 of the 106
Revised Code that a person must successfully complete the 107
curriculum in any high school prior to receiving a high school 108
diploma may be met by completing the curriculum adopted by the 109
governing authority of the community school rather than the 110
curriculum specified in Title XXXIII of the Revised Code or any 111
rules of the state board of education. Beginning with students 112
who enter ninth grade for the first time on or after July 1, 113
2010, the requirement in sections 3313.61 and 3313.611 of the 114
Revised Code that a person must successfully complete the 115
curriculum of a high school prior to receiving a high school 116
diploma shall be met by completing the requirements prescribed 117
in division (C) of section 3313.603 of the Revised Code, unless 118
the person qualifies under division (D) or (F) of that section. 119
Each school shall comply with the plan for awarding high school 120
credit based on demonstration of subject area competency, and 121
beginning with the 2017-2018 school year, with the updated plan 122
that permits students enrolled in seventh and eighth grade to 123
meet curriculum requirements based on subject area competency 124
adopted by the state board of education under divisions (J) (1) 125
and (2) of section 3313.603 of the Revised Code. Beginning with 126
the 2018-2019 school year, the school shall comply with the 127
framework for granting units of high school credit to students 128
who demonstrate subject area competency through work-based 129
learning experiences, internships, or cooperative education 130
developed by the department under division (J) (3) of section 131
3313.603 of the Revised Code. 132

(g) The school governing authority will submit within four 133

months after the end of each school year a report of its 134
activities and progress in meeting the goals and standards of 135
divisions (A) (3) and (4) of this section and its financial 136
status to the sponsor and the parents of all students enrolled 137
in the school. 138

(h) The school, unless it is an internet- or computer- 139
based community school, will comply with section 3313.801 of the 140
Revised Code as if it were a school district. 141

(i) If the school is the recipient of moneys from a grant 142
awarded under the federal race to the top program, Division (A), 143
Title XIV, Sections 14005 and 14006 of the "American Recovery 144
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 145
the school will pay teachers based upon performance in 146
accordance with section 3317.141 and will comply with section 147
3319.111 of the Revised Code as if it were a school district. 148

(j) If the school operates a preschool program that is 149
licensed by the department of education under sections 3301.52 150
to 3301.59 of the Revised Code, the school shall comply with 151
sections 3301.50 to 3301.59 of the Revised Code and the minimum 152
standards for preschool programs prescribed in rules adopted by 153
the state board under section 3301.53 of the Revised Code. 154

(k) The school will comply with sections 3313.6021 and 155
3313.6023 of the Revised Code as if it were a school district 156
unless it is either of the following: 157

(i) An internet- or computer-based community school; 158

(ii) A community school in which a majority of the 159
enrolled students are children with disabilities as described in 160
division (A) (4) (b) of section 3314.35 of the Revised Code. 161

(12) Arrangements for providing health and other benefits 162

to employees; 163

(13) The length of the contract, which shall begin at the 164
beginning of an academic year. No contract shall exceed five 165
years unless such contract has been renewed pursuant to division 166
(E) of this section. 167

(14) The governing authority of the school, which shall be 168
responsible for carrying out the provisions of the contract; 169

(15) A financial plan detailing an estimated school budget 170
for each year of the period of the contract and specifying the 171
total estimated per pupil expenditure amount for each such year. 172

(16) Requirements and procedures regarding the disposition 173
of employees of the school in the event the contract is 174
terminated or not renewed pursuant to section 3314.07 of the 175
Revised Code; 176

(17) Whether the school is to be created by converting all 177
or part of an existing public school or educational service 178
center building or is to be a new start-up school, and if it is 179
a converted public school or service center building, 180
specification of any duties or responsibilities of an employer 181
that the board of education or service center governing board 182
that operated the school or building before conversion is 183
delegating to the governing authority of the community school 184
with respect to all or any specified group of employees provided 185
the delegation is not prohibited by a collective bargaining 186
agreement applicable to such employees; 187

(18) Provisions establishing procedures for resolving 188
disputes or differences of opinion between the sponsor and the 189
governing authority of the community school; 190

(19) A provision requiring the governing authority to 191

adopt a policy regarding the admission of students who reside 192
outside the district in which the school is located. That policy 193
shall comply with the admissions procedures specified in 194
sections 3314.06 and 3314.061 of the Revised Code and, at the 195
sole discretion of the authority, shall do one of the following: 196

(a) Prohibit the enrollment of students who reside outside 197
the district in which the school is located; 198

(b) Permit the enrollment of students who reside in 199
districts adjacent to the district in which the school is 200
located; 201

(c) Permit the enrollment of students who reside in any 202
other district in the state. 203

(20) A provision recognizing the authority of the 204
department of education to take over the sponsorship of the 205
school in accordance with the provisions of division (C) of 206
section 3314.015 of the Revised Code; 207

(21) A provision recognizing the sponsor's authority to 208
assume the operation of a school under the conditions specified 209
in division (B) of section 3314.073 of the Revised Code; 210

(22) A provision recognizing both of the following: 211

(a) The authority of public health and safety officials to 212
inspect the facilities of the school and to order the facilities 213
closed if those officials find that the facilities are not in 214
compliance with health and safety laws and regulations; 215

(b) The authority of the department of education as the 216
community school oversight body to suspend the operation of the 217
school under section 3314.072 of the Revised Code if the 218
department has evidence of conditions or violations of law at 219

the school that pose an imminent danger to the health and safety 220
of the school's students and employees and the sponsor refuses 221
to take such action. 222

(23) A description of the learning opportunities that will 223
be offered to students including both classroom-based and non- 224
classroom-based learning opportunities that is in compliance 225
with criteria for student participation established by the 226
department under division (H) (2) of section 3314.08 of the 227
Revised Code; 228

(24) The school will comply with sections 3302.04 and 229
3302.041 of the Revised Code, except that any action required to 230
be taken by a school district pursuant to those sections shall 231
be taken by the sponsor of the school. However, the sponsor 232
shall not be required to take any action described in division 233
(F) of section 3302.04 of the Revised Code. 234

(25) Beginning in the 2006-2007 school year, the school 235
will open for operation not later than the thirtieth day of 236
September each school year, unless the mission of the school as 237
specified under division (A) (2) of this section is solely to 238
serve dropouts. In its initial year of operation, if the school 239
fails to open by the thirtieth day of September, or within one 240
year after the adoption of the contract pursuant to division (D) 241
of section 3314.02 of the Revised Code if the mission of the 242
school is solely to serve dropouts, the contract shall be void. 243

(26) Whether the school's governing authority is planning 244
to seek designation for the school as a STEM school equivalent 245
under section 3326.032 of the Revised Code; 246

(27) That the school's attendance and participation 247
policies will be available for public inspection; 248

(28) That the school's attendance and participation 249
records shall be made available to the department of education, 250
auditor of state, and school's sponsor to the extent permitted 251
under and in accordance with the "Family Educational Rights and 252
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 253
and any regulations promulgated under that act, and section 254
3319.321 of the Revised Code; 255

(29) If a school operates using the blended learning 256
model, as defined in section 3301.079 of the Revised Code, all 257
of the following information: 258

(a) An indication of what blended learning model or models 259
will be used; 260

(b) A description of how student instructional needs will 261
be determined and documented; 262

(c) The method to be used for determining competency, 263
granting credit, and promoting students to a higher grade level; 264

(d) The school's attendance requirements, including how 265
the school will document participation in learning 266
opportunities; 267

(e) A statement describing how student progress will be 268
monitored; 269

(f) A statement describing how private student data will 270
be protected; 271

(g) A description of the professional development 272
activities that will be offered to teachers. 273

(30) A provision requiring that all moneys the school's 274
operator loans to the school, including facilities loans or cash 275
flow assistance, must be accounted for, documented, and bear 276

interest at a fair market rate; 277

(31) A provision requiring that, if the governing 278
authority contracts with an attorney, accountant, or entity 279
specializing in audits, the attorney, accountant, or entity 280
shall be independent from the operator with which the school has 281
contracted. 282

(B) The community school shall also submit to the sponsor 283
a comprehensive plan for the school. The plan shall specify the 284
following: 285

(1) The process by which the governing authority of the 286
school will be selected in the future; 287

(2) The management and administration of the school; 288

(3) If the community school is a currently existing public 289
school or educational service center building, alternative 290
arrangements for current public school students who choose not 291
to attend the converted school and for teachers who choose not 292
to teach in the school or building after conversion; 293

(4) The instructional program and educational philosophy 294
of the school; 295

(5) Internal financial controls. 296

When submitting the plan under this division, the school 297
shall also submit copies of all policies and procedures 298
regarding internal financial controls adopted by the governing 299
authority of the school. 300

(C) A contract entered into under section 3314.02 of the 301
Revised Code between a sponsor and the governing authority of a 302
community school may provide for the community school governing 303
authority to make payments to the sponsor, which is hereby 304

authorized to receive such payments as set forth in the contract 305
between the governing authority and the sponsor. The total 306
amount of such payments for monitoring, oversight, and technical 307
assistance of the school shall not exceed three per cent of the 308
total amount of payments for operating expenses that the school 309
receives from the state. 310

(D) The contract shall specify the duties of the sponsor 311
which shall be in accordance with the written agreement entered 312
into with the department of education under division (B) of 313
section 3314.015 of the Revised Code and shall include the 314
following: 315

(1) Monitor the community school's compliance with all 316
laws applicable to the school and with the terms of the 317
contract; 318

(2) Monitor and evaluate the academic and fiscal 319
performance and the organization and operation of the community 320
school on at least an annual basis; 321

(3) Report on an annual basis the results of the 322
evaluation conducted under division (D) (2) of this section to 323
the department of education and to the parents of students 324
enrolled in the community school; 325

(4) Provide technical assistance to the community school 326
in complying with laws applicable to the school and terms of the 327
contract; 328

(5) Take steps to intervene in the school's operation to 329
correct problems in the school's overall performance, declare 330
the school to be on probationary status pursuant to section 331
3314.073 of the Revised Code, suspend the operation of the 332
school pursuant to section 3314.072 of the Revised Code, or 333

terminate the contract of the school pursuant to section 3314.07 334
of the Revised Code as determined necessary by the sponsor; 335

(6) Have in place a plan of action to be undertaken in the 336
event the community school experiences financial difficulties or 337
closes prior to the end of a school year. 338

(E) Upon the expiration of a contract entered into under 339
this section, the sponsor of a community school may, with the 340
approval of the governing authority of the school, renew that 341
contract for a period of time determined by the sponsor, but not 342
ending earlier than the end of any school year, if the sponsor 343
finds that the school's compliance with applicable laws and 344
terms of the contract and the school's progress in meeting the 345
academic goals prescribed in the contract have been 346
satisfactory. Any contract that is renewed under this division 347
remains subject to the provisions of sections 3314.07, 3314.072, 348
and 3314.073 of the Revised Code. 349

(F) If a community school fails to open for operation 350
within one year after the contract entered into under this 351
section is adopted pursuant to division (D) of section 3314.02 352
of the Revised Code or permanently closes prior to the 353
expiration of the contract, the contract shall be void and the 354
school shall not enter into a contract with any other sponsor. A 355
school shall not be considered permanently closed because the 356
operations of the school have been suspended pursuant to section 357
3314.072 of the Revised Code. 358

Sec. 3319.324. When any school district or chartered 359
nonpublic school receives a request from another district or 360
school to which a student has transferred for that student's 361
school records, the district or school receiving the request 362
shall respond, within five business days after receiving the 363